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BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

RESOLUTIONS

MINUTES

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CITY OF ASHEVILLE

CITY COUNCIL

RESOLUTIONS

MINUTES

VOLUME: 39

(JUNE 27, 2017 – JUNE 19, 2018)

(PAGES: INDEX - 494)

(RESOLUTIONS No: R-2017-126 – R-2018-161)

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RESOLUTION NO. 17-126

RESOLUTION AUTHORIZING THE PARKS AND RECREATION DIRECTOR AND THE CHIEF FINANCIAL OFFICER TO SIGN THE PARTNERSHIP AGREEMENT WITH JUST FOLKS INCLUDING A PERMIT FEE WAIVER ASSOCIATED WITH PROGRAMMING IN TRIANGLE PARK

WHEREAS, the City of Asheville has entered into a partnership agreement with Just Folks to promote positive use of the area and result in the park being used by a more diverse group of city residents and visitors; and

WHEREAS, the programs and events organized by Just Folks focus on community-building and have improved the appearance of the park, making it more attractive to downtown visitors and community members; and

WHEREAS, Just Folks is providing quality cultural programming and diversity in a city park not generally used for this purpose; and

WHEREAS, in return for the fee waiver, Just Folks is committed to providing daily litter collection valued at $6,276 in volunteer hours;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Parks and Recreation Director and the Chief Financial Officer is hereby authorized to sign the partnership agreement with Just Folks to waive permit fees of $3,321 for FY 2017-2018 for the use of Triangle Park for community-building events that benefit the Eagle/Market Streets area and the community.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Burleson
City Clerk

E. Ann E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

2

RESOLUTION NO. 17-127

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND-YEAR OPTION TO RENEW THE CONTRACT WITH US SECURITY FOR SECURITY SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE CITY'S PARK SYSTEM; AND RENEW THE CONTRACT FOR ONE ADDITIONAL YEAR BASED ON CONTRACTOR'S PERFORMANCE AND AVAILABLE BUDGET

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville in the Parks and Recreation Department contracts security services at various parks, greenways and facilities, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, the City entered into a one-year contract with US Security for security services in various parks, greenways and facilities in the City's park system in the amount of $50,757 for FY 2016-2017 with the option to renew the contract for two additional twelve-month periods based on the contractor's satisfactory performance and available budget; and

WHEREAS, the City wishes to exercise the second-year option to renew for FY 2017-2018 in the amount of $59,576.65, increasing the cumulative amount of the contract to $110,333.65; and

WHEREAS, the city wishes to exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to 1) exercise the second-year option to renew the contract with US Security in the amount of $59,576.65 for security services in various parks, greenways and facilities in the City's park system in the cumulative amount of $110,333.65; and 2) exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-128

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND-YEAR OPTION TO RENEW THE CONTRACT WITH LANDMARK CAROLINA, INC. FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE CENTRAL AND WEST ONE DISTRICTS IN ASHEVILLE; AND RENEW THE CONTRACT FOR ONE ADDITIONAL YEAR BASED ON CONTRACTOR'S PERFORMANCE AND AVAILABLE BUDGET

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville in the Parks and Recreation Department contracts ground maintenance services at various parks, greenways and facilities, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, the City entered into an one-year contract with Landmark Carolina, Inc. for ground maintenance service in the central and west one districts in the amount of $89,070.00 for FY 2016-2017 with the option to renew the contract for two additional twelve-month periods based on the contractor's satisfactory performance and available budget; and

WHEREAS, the City wishes to exercise the second-year option to renew for FY 2017-2018 in the amount of $89,070.00, increasing the cumulative amount of the contract to $178,140.00; and

WHEREAS, the city wishes to exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to 1) exercise the second-year option to renew the contract with Landmark Carolina, Inc. in the amount of $89,070.00 for grounds maintenance services in various parks, greenways and facilities in the central and west one districts in Asheville in the cumulative amount of $178,140.00; and 2) exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

4

RESOLUTION NO. 17-129

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A UTILITY EASEMENT ON HIAWASSEE STREET PIN # 9649312536 TO DUKE ENERGY PROGRESS FOR A TRANSMISSION POWER POLE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 45 Hiawassee Street, identified as PIN# 9649312536; and

WHEREAS, Duke Energy Progress has requested a Permanent Easement containing approximately 1,045.44 square feet over a portion of said property at Hiawassee Street;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on Hiawassee Street (PINS #9649312536) to Duke Energy Progress. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17-130

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN AGREEMENT WITH PARK RIDGE HEALTH FOR ANNUAL FIREFIGHTER PHYSICALS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Asheville Fire Department provides annual medical monitoring, physicals, and x-rays for firefighters; and

WHEREAS, the amount of the renewal is $77,125 and the monies have been budgeted in the Asheville Fire Department's Fiscal Year 2017 – 2018 budget; and

WHEREAS, the total amount of the agreement over its life is currently $140,875;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Park Ridge Health, for $140,875 for Annual Firefighter Physicals and further authorized to execute any change orders to said contract or documents which may arise during implementation of said program up to the budgeted amount.

Read, approved and adopted this the 27th day of June, 2017.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

6

RESOLUTION NO. 17-131

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE DUKE ENERGY FOUNDATION FOR A GRANT FOR THE PURPOSE OF INSTALLING THREE SOLAR TREES ON CITY PROPERTY

WHEREAS, the City of Asheville has applied for grant funding through the Duke Energy Foundation Community Impact Grant for the purchase and installation of 3 solar trees on City property; and

WHEREAS, the City of Asheville is committed to reducing carbon and increasing renewable energy generation and has an opportunity to install solar energy applications on City property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for a grant from the Duke Energy Foundation for $200,000 to install solar trees that offset carbon emissions and increase solar power generated by the City of Asheville, and if awarded, to sign all the appropriate agreements.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bourleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17- 132

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENCE DAY CELEBRATION ON THE DATE OF TUESDAY, JULY 4, 2017 FROM 2:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Ingles Independence Day Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Ingles Independence Day Celebration event area, as set forth in Exhibit A, attached.

   The Ingles Independence Day Celebration event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Ingles Independence Day Celebration on Tuesday, July 4, 2017 from 2:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Ingles Independence Day Celebration event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Ingles Independence

Day Celebration event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Ingles Independence Day Celebration, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bowleson
CITY CLERK

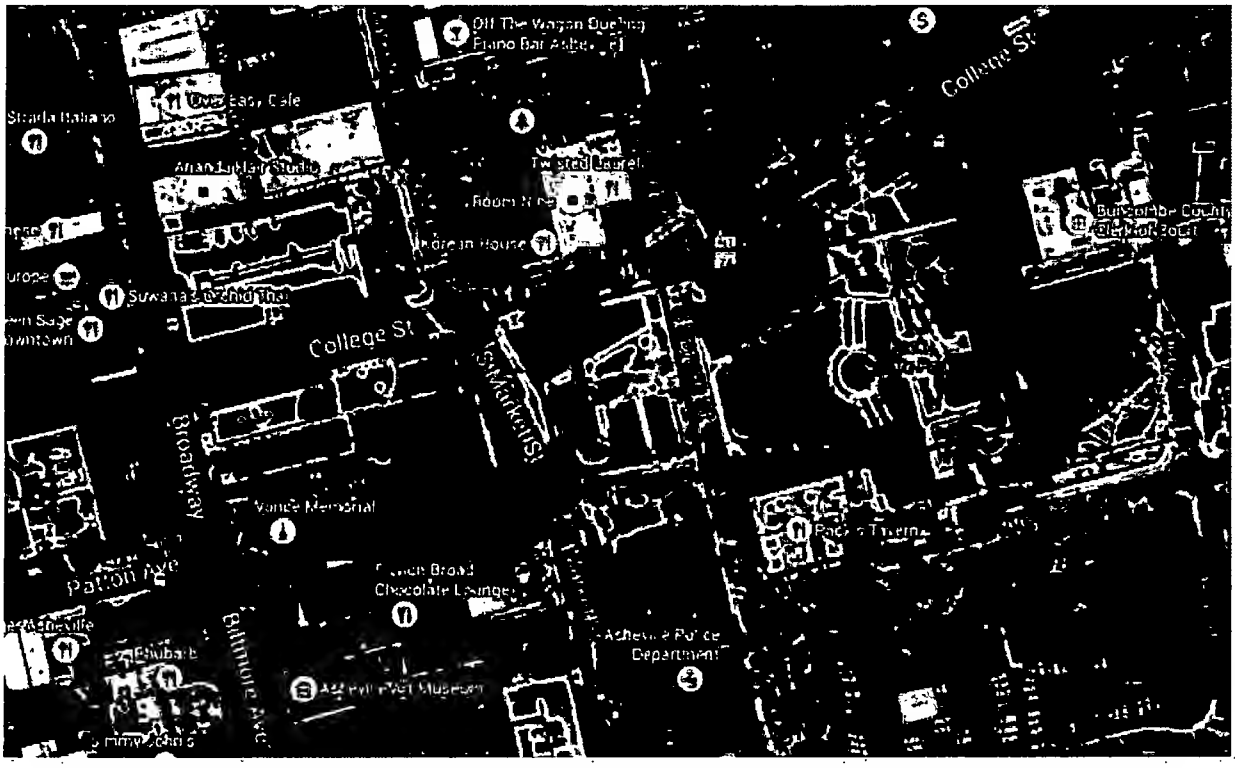
MAYOR

Approved as to form:

CITY ATTORNEY

City Clerk

EXHIBIT A


College St
Broadway Ave
Patton Ave
Vance Memorial
Asheville Police Department
Burnette Ave

10

RESOLUTION NO. 17- 133

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ACSC PLAYOFF GAME ON THE DATE OF TUESDAY, JULY 11, 2017 FROM 6:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the ACSC Playoff Game.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the ACSC Playoff Game event area, as set forth in Exhibit A, attached.

   The ACSC Playoff Game event area is within the boundaries of Memorial Stadium.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the ACSC Playoff Game on Tuesday, July 11, 2017 from 6:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the ACSC Playoff Game event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the ACSC Playoff Game event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the ACSC Playoff Game, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

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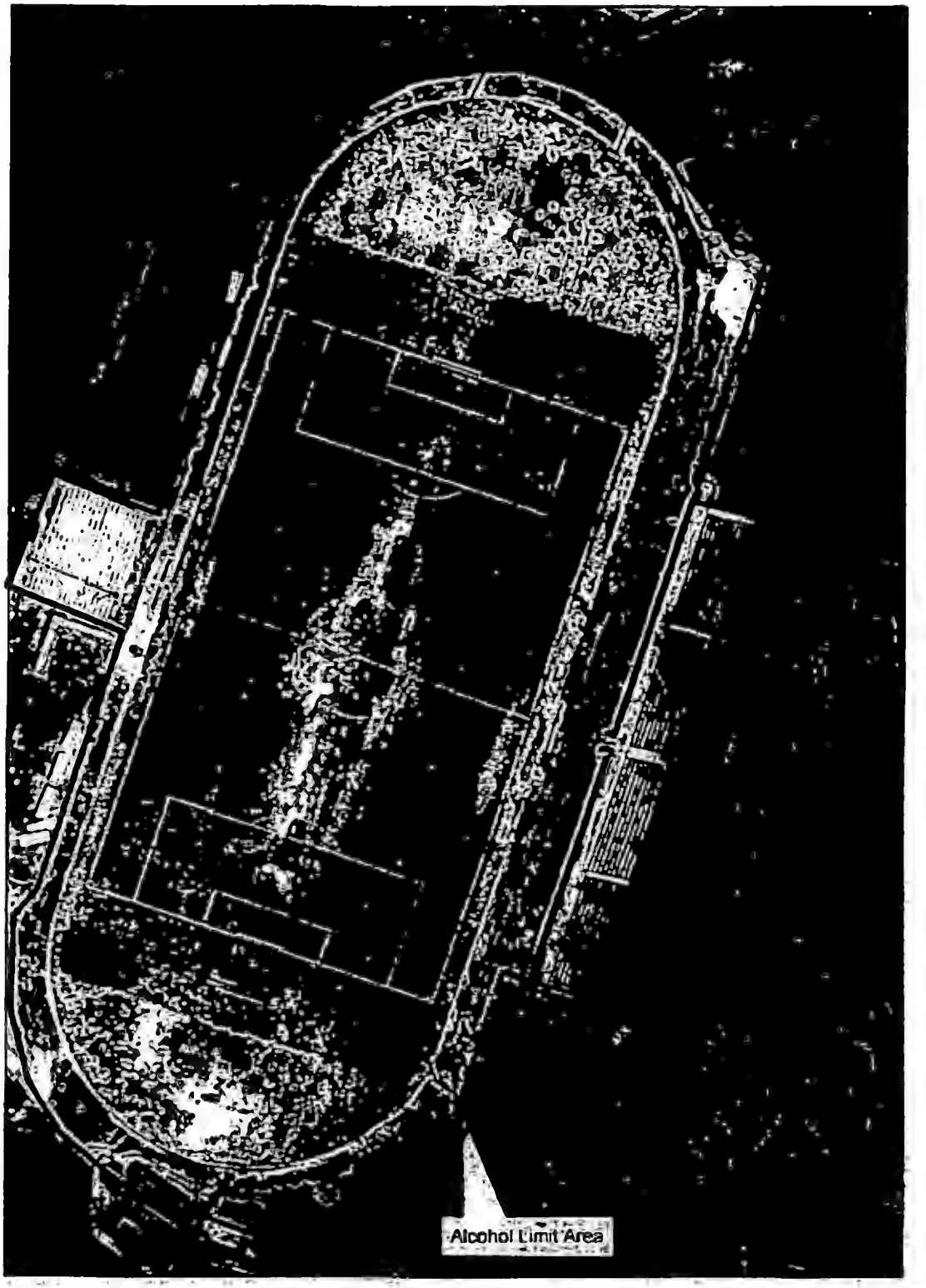
EXHIBIT A



Memorial Stadium

RESOLUTION NO. 17- 134

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 14 RIVERSIDE DRIVE OPENING PARTY ON THE DATE OF FRIDAY, JULY 21, 2017 FROM 3:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the 14 Riverside Drive Opening Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 14 Riverside Drive Opening Party event area, as set forth in Exhibit A, attached.

   The 14 Riverside Drive Opening Party event area is within the boundaries of Memorial Stadium.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the 14 Riverside Drive Opening Party on Friday, July 21, 2017 from 3:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the 14 Riverside Drive Opening Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the 14 Riverside Drive Opening Party event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

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4. The location of the 14 Riverside Drive Opening Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bullerson
CITY CLERK

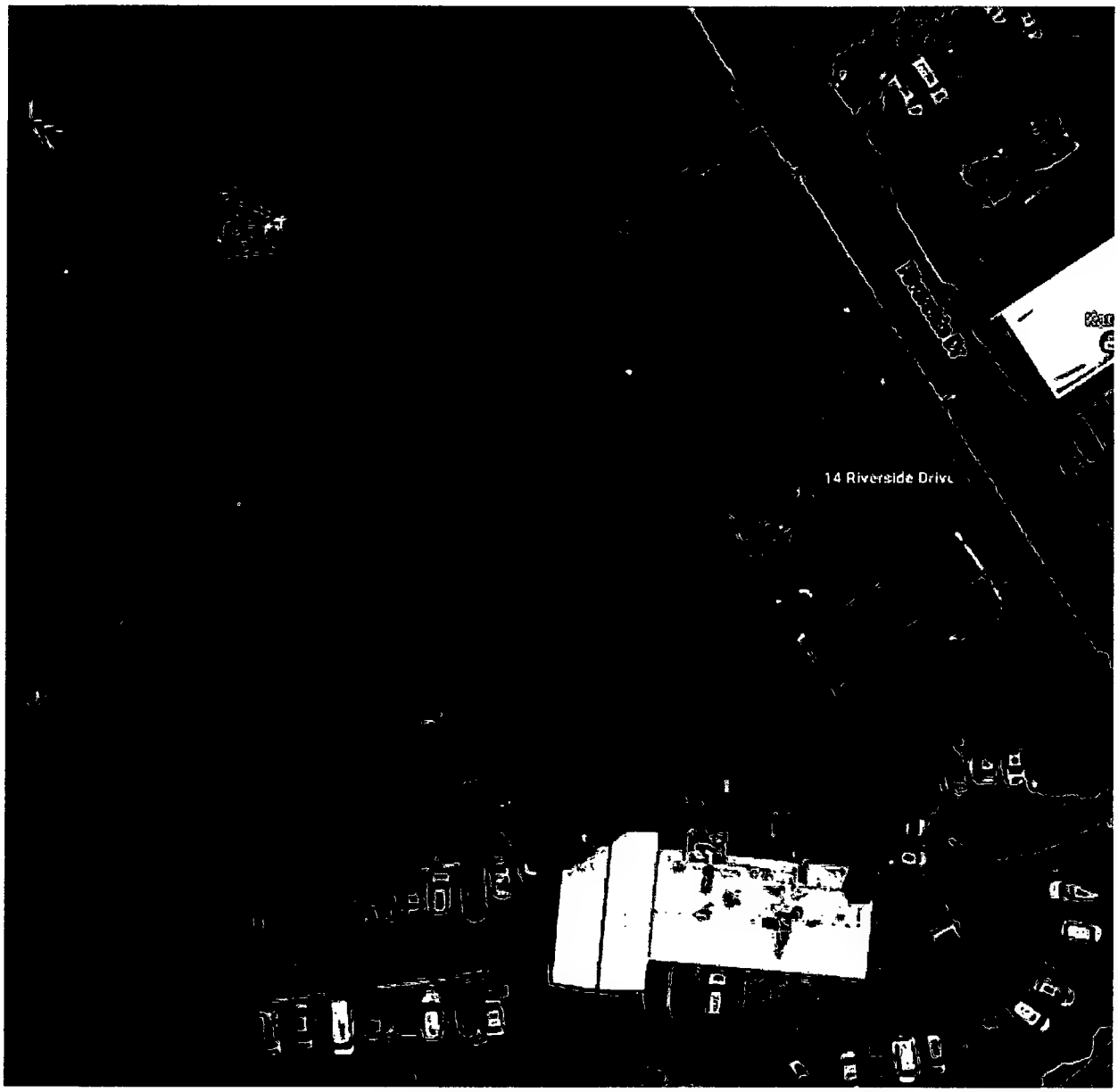
Edna G. Mc
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

EXHIBIT A



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RESOLUTION NO. 17- 135

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGFEST ON THE DATE OF SUNDAY, SEPTEMBER 3, 2017 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville VegFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville VegFest event area, as set forth in Exhibit A, attached.

   The Asheville VegFest event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville VegFest on Sunday, September 3, 2017 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville VegFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville VegFest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville VegFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bowlesson
CITY CLERK

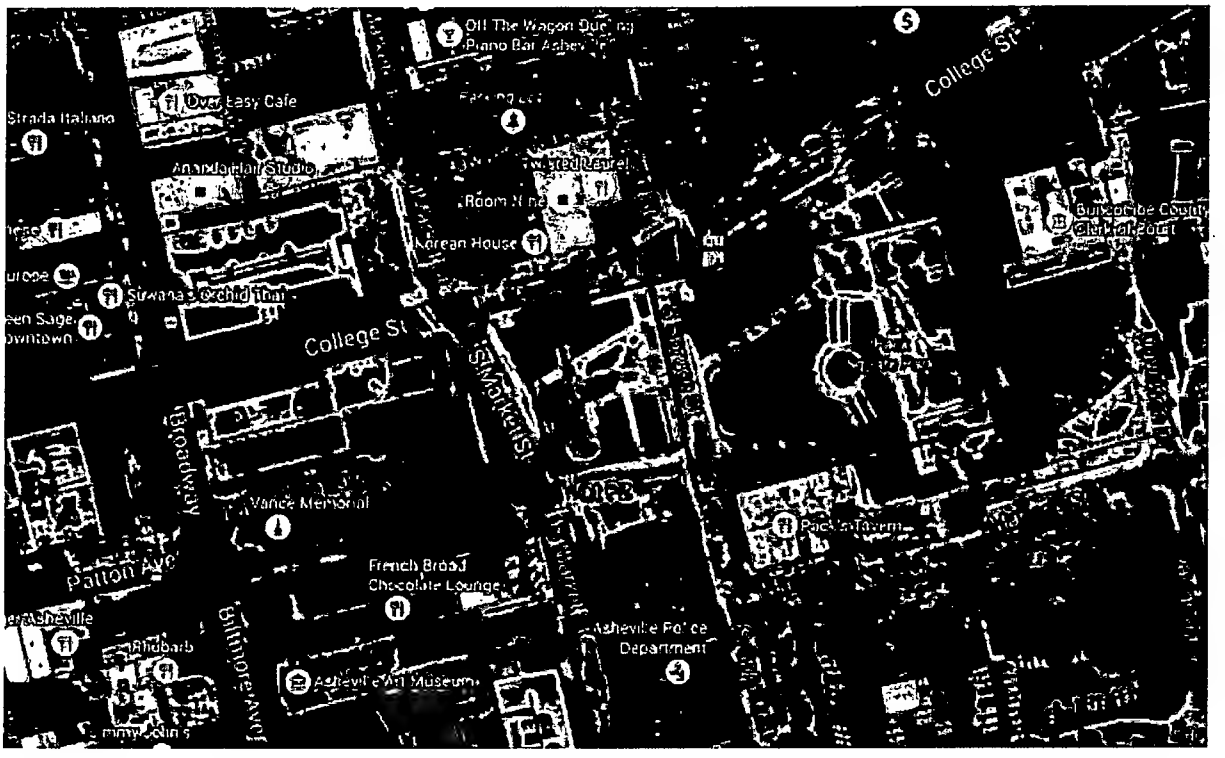
Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

EXHIBIT A


Strada Italiano
Over Easy Cafe
Anandamayi Studio
Korean House
College St
Vance Memorial
Broadway
Patton Ave
French Broad Chocolate Lounge
Rhubarb
Asheville Art Museum
Asheville Police Department
College St
Buncombe County Courthouse

RESOLUTION NO. 17- 136

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE AIA ASHEVILLE DESIGN AWARDS GALA ON THE DATE OF THURSDAY, SEPTEMBER 7, 2017 FROM 7:00 PM – 9:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the AIA Asheville Design Awards Gala.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the AIA Asheville Design Awards Gala event area, as set forth in Exhibit A, attached.

   The AIA Asheville Design Awards Gala event area is within the boundaries of the Roger McGuire Green at Pack Square Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the AIA Asheville Design Awards Gala on Thursday, September 7, 2017 from 7:00 p.m. – 9:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the AIA Asheville Design Awards Gala event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the AIA Asheville Design Awards Gala event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the AIA Asheville Design Awards Gala, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bowleson
CITY CLERK

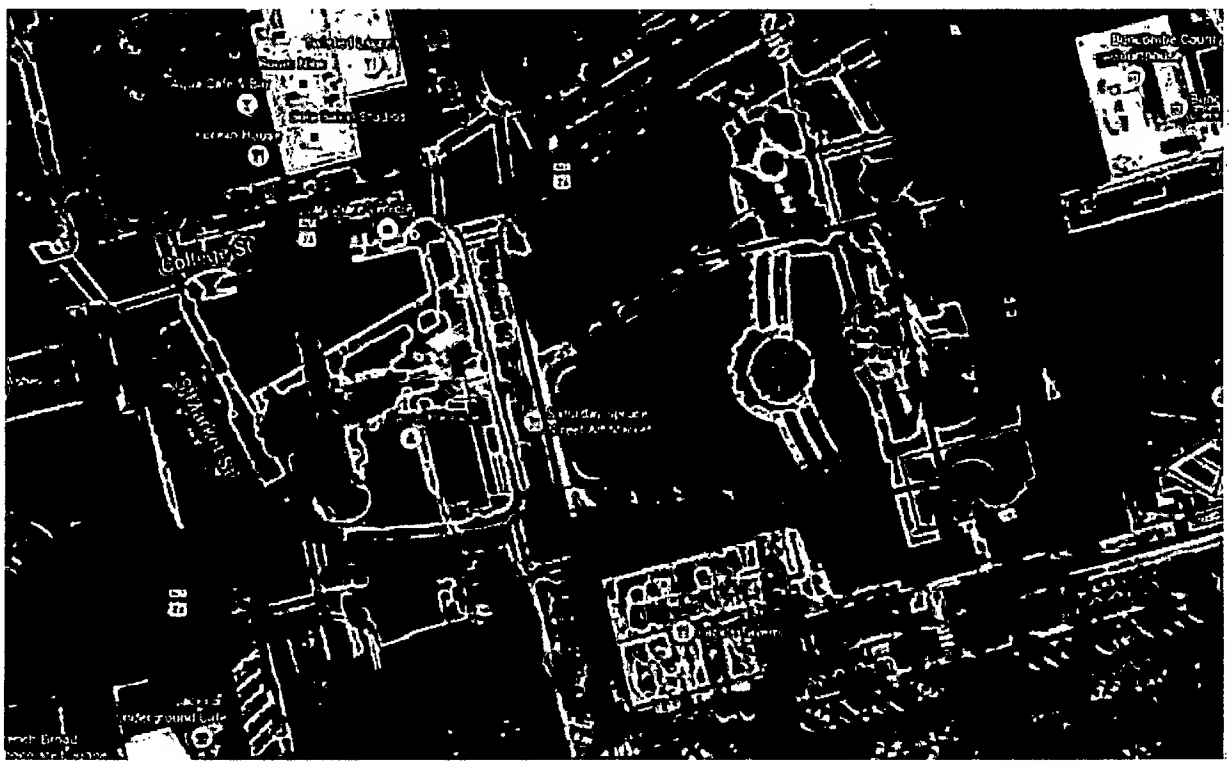
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson

EXHIBIT A



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RESOLUTION NO. - 17-137

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH BEVERLY-GRANT/BARNHILL JV FOR CONSTRUCTION OF THE RADTIP AND FIVE POINTS ROUNDABOUT PORTION OF THE TIGER VI PROJECTS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, staff brought forth to the Finance Committee in August 2016 the Construction Manager at Risk (CMAR) option to manage the suite of TIGER VI projects for both preconstruction and construction services; and

WHEREAS, the CMAR Selection Committee publicly advertised, interviewed, selected, and negotiated with the CMAR Beverly-Grant/Barnhill Construction Co. for preconstruction services; and

WHEREAS, the City entered into a contract on December 16, 2016 with Beverly Grant/Barnhill Construction Co. in the amount of $62,751.00 for preconstruction services for the TIGER VI projects; and the CMAR successfully performed preconstruction services, including prequalifying all first tier subcontractors and competitively bidding all construction work pursuant to NC General Statute 173-128.1; and

WHEREAS, City staff has determined that the scope of the TIGER VI project needs to be modified due to costs the FHWA has issued an approval for the same June 14, 2017; and

WHEREAS, a contract amendment to the Beverly-Grant/Barnhill Construction Co. is required for the services associated with the management and construction of the project;

WHEREAS, the current amount of the contract is $62,751 and the amendment to the contract is a guaranteed maximum price of $27,065,150.00 for a total maximum price of $27,127,901.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a contract amendment with Beverly-Grant/Barnhill Construction Co to serve as the CMAR for construction services on RADTIP and Five Points Roundabout portion of the TIGER VI suite of projects in the amount of $27,065,150. The City Manager is also authorized to sign all other contract documents required to carry out the City's obligations, and further authorized to execute any change orders to said contract or documents which may arise during the services of said projects to the extent that contingency funds exist within the approved project budget.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. - 17-138

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SEPI ENGINEERING AND CONSTRUCTION FOR CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES ON THE RADTIP AND FIVE POINTS ROUNDABOUT PORTION OF THE TIGER VI PROJECTS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, engineering services are needed for construction inspection and material testing services for the RADTIP and Five Points Roundabout portion of the TIGER VI Project; and

WHEREAS, in accordance with NCGS §143-64.31, a Request for Proposals based on Qualifications for the engineering services was posted on December 13, 2016; and

WHEREAS, a Selection Committee publicly advertised, interviewed, selected with SEPI Engineering as the selected firm qualified to provide such services on the basis of demonstrated competence and qualifications; and

WHEREAS, the cost of the contract is for $854,841.00 and is budgeted in the FY 2017 General Capital Projects Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a not-to-exceed professional services contract with SEPI Engineering to provide Construction Inspection and Material Testing on the RADTIP and Five Points Roundabout portion of the TIGER VI suite of projects in the amount of $854,841.00 The City Manager is also authorized to sign all other contract documents required to carry out the City's obligations, and further authorized to execute any change orders to said contract or documents which may arise during the services of said projects to the extent that contingency funds exist within the approved project budget.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bowlson
City Clerk

Esther A. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

24

RESOLUTION NO. - 17-139

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CDM SMITH ENGINEERING CO. FOR CONSTRUCTION ADMINISTRATION AND VALUE ENGINEERING SERVICES FOR THE RADTIP AND FIVE POINTS ROUNDABOUT PORTION OF THE TIGER VI PROJECTS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City entered into a contract on January 14, 2014 with CDM Smith in the amount for professional design work services for the RADTIP portion of the TIGER VI project and there have been four amendments to the original contract for a total amended contract amount of $3,024,296.95; and

WHEREAS, CDM Smith, the Engineer of Record for the RADTIP and Five Points Roundabout portion of the TIGER VI project have completed their professional design work and are now needed for Value Engineering and Construction Administration services; and

WHEREAS, a contract amendment to the CDM Smith contract is required for the Value Engineering and Construction Administration services; and

WHEREAS, the current amount of the contract is $3,024,296.95 and the amendment to the contract is in the amount of $928,275.00 for a total of $3,952,571.95;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a contract amendment with CDM Smith Engineering to provide value engineering and construction administration services on RADTIP and Five Points Roundabout portion of the TIGER VI suite of projects in the amount of $928,275. The City Manager is also authorized to sign all other contract documents required to carry out the City's obligations, and further authorized to execute any change orders to said contract or documents which may arise during the services of said projects to the extent that contingency funds exist within the approved project budget.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION 17-140

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to North Carolina General Statute § 160A-20 to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into an installment financing contract (the *"Contract"*) with Regions Capital Advantage, Inc. (the *"Lender"*) in order to pay the capital costs of the acquisition and installation of vehicles and equipment (collectively, the *"Projects"*), and to put a security interest in all or a portion of the Projects in favor of the Lender in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed $4,350,000;

WHEREAS, there has been made available to the City Council in the office of the City's Chief Financial Officer the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rates as specified in the Contract and in the bid summary provided to the City Council; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Prior Actions.*** All actions of the City, the City Manager, the Assistant City Manager, the City Attorney, the City Purchasing Director, the Chief Financial Officer and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. ***Approval, Authorization and Execution of Contract.*** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The City hereby approves the amount advanced by the Lender to the City pursuant to the Contract in an aggregate principal amount not to exceed $4,350,000, such amount to be repaid by the City to the Lender as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the Assistant City Manager, the

City Attorney, the Chief Financial Officer and the City Clerk or their respective designees (each a *"Designated Representative"*), individually or collectively, are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Further Actions.*** Each Designated Representative is hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Contract, and the Designated Representatives are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives, individually or collectively, are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bouleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 17-141

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND BEVERLY-GRANT BARNHILL ON 314 RIVERSIDE DRIVE

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, The City of Asheville is the owner of real property located at 314 Riverside Drive formerly known as Stewart Plumbing, identified as PIN #9638-89-4390; and

WHEREAS, the City of Asheville would like to extend a lease to Beverly-Grant Barnhill to lease the site for a 39 month term; with an option to renew for six (6) additional months; and

WHEREAS, the rental beginning July 1, 2017 for the leased premises will be $5.00 per year for the lease term;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between the City of Asheville and Beverly-Grant Barnhill for office and warehouse space at 314 Riverside Drive at PIN #9638-89-4390-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 27 day of June, 2017.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

28

RESOLUTION NO. 17-142

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

WHEREAS, funds for FY 2017-18 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has received financial assistance in the amount of $75,000 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $7,500 and is currently budgeted in the Transportation Department's approved operating budget for the current fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration for FY 2017-18.

Read, approved and adopted this 27th day of June 2017.

Magdalen Bullerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 17-143

A RESOLUTION IN SUPPORT OF H185 AND S648, AND ENCOURAGING THE NORTH CAROLINA LEGISLATURE TO ENACT LEGISLATION THAT WOULD LEGALIZE THE USE OF CANNABIS FOR MEDICAL PURPOSES

WHEREAS, medical cannabis is currently legal in twenty-nine states and the District of Columbia ("DC"), and eight of these states and DC have also legalized cannabis for non-medical use; and

WHEREAS, there is a significant and growing amount of evidence that cannabis is beneficial to individuals suffering from many chronic and debilitating conditions including, but not limited to, cancer, HIV/AIDS, multiple sclerosis, glaucoma, chronic pain, Crohn's disease, ALS, intractable epilepsy, PTSD and terminal illness; and

WHEREAS, in January 2017, the National Academies of Science, Engineering, and Medicine issued a report entitled "The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research," the committee arrived at nearly a hundred different research conclusions related to cannabis or cannabinoid use and health; and

WHEREAS, numerous health care organizations, including the American Nurses Association, American Academy of Family Physicians, Lymphoma Foundation of America, American Preventive Medical Association, American Public Health Association, Epilepsy Foundation, and the New England Journal of Medicine have endorsed the medical use of cannabis; and

WHEREAS, the Federal government continues to provide cannabis by prescription to four individuals for their use as medicine through the Food and Drug Administration's Compassionate Investigational New Drug (IND) program, administered by the National Institute on Drug Abuse, and that cannabis is processed at and distributed from the Research Triangle Institute in Research Triangle Park, North Carolina; and

WHEREAS, the Federal government, through the U.S. Department of Health and Human Services, holds patent number 6,630,507 which describes the therapeutic potential for cannabinoid chemical compounds; and

WHEREAS, a recent Elon University Poll indicated that eighty percent of North Carolinians support the legalization of medical cannabis; and

WHEREAS, one recent study reported survey data from patrons of Michigan medical marijuana dispensary suggesting that medical cannabis use in pain patients was associated with a sixty-four percent reduction in opioid use (Boehnke et al.,2016). Similarly, recent analyses of prescription data from Medicare Part D enrollees in states with medical access to cannabis suggest a significant reduction in the prescription of conventional pain medications (Bradford and Bradford, 2016); and

WHEREAS, the North Carolina House and Senate have introduced companion bills: H185 (co-sponsored by Reps. John Ager, Susan Fisher and Brian Turner) and S648 (sponsored by Sen. Terry Van Duyn) establishing the North Carolina Medical Cannabis Act; and

WHEREAS, according to the United States Sentencing Commission and the Federal Bureau of Investigation, ninety-nine out of every one-hundred cannabis arrests in the United States are made under state law, rather than under federal law. Consequently, changing State law will have the practical effect of protecting from arrest the vast majority of seriously ill people who have a medical need to use cannabis also those who produce or are a caregiver supplier of cannabis; and

WHEREAS, compassion dictates that State law should make a distinction between the medical and nonmedical use of cannabis. The purpose of the North Carolina Medical Cannabis Act is to protect patients with debilitating conditions, their physicians, caregivers and businesses from arrest and prosecution, criminal and other penalties, and property forfeiture by allowing the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their treatments; and

WHEREAS, physicians, in conjunction with their patients, should be allowed to make medical decisions and explore all potential treatment options including medical cannabis; and

WHEREAS, the City Council seeks to ensure that the citizens of Asheville have access to all viable medical options that could help alleviate symptoms associated with debilitating medical conditions;

WHEREAS, the City Council hereby supports changes in State and other laws to (a) allow and authorize safe legal access to medical cannabis for qualified patients, (b) grant local control to cities and counties to license and regulate medical cannabis businesses and collect appropriate fees and taxes, (c) and to stop the prosecution, arrest, investigation and imprisonment of qualified patients and their caregivers for medical cannabis offenses; and

WHEREAS, if North Carolina law is amended to authorize and allow medical cannabis, and federal law permits, subject to local control, the City Council will develop a system to license, tax and regulate medical cannabis that will effectuate the purpose of providing safe legal access to medical cannabis for qualified patients.

NOW, THEREFORE, BE IT HERE BY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby encourage the North Carolina State Legislature to take immediate action to approve Comprehensive Medical Cannabis legislation, in order to ensure our City and State residents are receiving the most effective medical therapies possible, which includes the use of medical cannabis.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bellamy
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bellamy
City Clerk

RESOLUTION NO. 17-144

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 0.02 ACRES OF REAL PROPERTY LOCATED AT 11 MARTIN LUTHER KING, JR. DRIVE

WHEREAS, the City of Asheville holds title to real property located 11 Martin-Luther King, Jr. Drive, identified as 0.02 acres (PIN # 96485835040000000000); and

WHEREAS, the property is not needed by the City of Asheville; and

WHEREAS, the City of Asheville has received an offer to purchase said property from Ethelyn Morgan and Clarence Holcomb in the amount of $ 300; and

WHEREAS, North Carolina General Statues Section 160A-269 provides for the sale of real properties by negotiated offer, advertisement and upset bids;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 0.02 acres (PIN #964858350400000) of real property located at 11 Martin Luther King Dr. to Ethelyn Morgan and Clarence Holcomb. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within 10 days any person may raise the bid by not less than 10% of the first $1,000 and 5% of the remainder of the purchase price of $300.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to Ethelyn Morgan and Clarence Holcomb. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give full effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 27TH day of June, 2017.

Magdalen Bowerson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowerson
City Clerk

32

RESOLUTION NO. 17-145

RESOLUTION TO ACCEPT THE STREET NAME CHANGE FROM "HILLCREST DRIVE" TO "LUNA LANE"

WHEREAS, the City has the authority pursuant to G.S. 160A-296 and City Code Sec. 16-175 to change the names of public streets within the City's jurisdiction; and

WHEREAS, the owners of property adjoining portions of Hillcrest Drive petitioned to change the name of "Hillcrest Drive" to "Luna Lane" and City staff recommends the change to "Luna Lane"; and

WHEREAS, City staff has identified many other streets named Hillcrest within nearby zip codes and the duplication of street names has the potential for misdirection or miscommunication, which can hinder the response of emergency services to the citizens of the City of Asheville; and

WHEREAS, Buncombe County Emergency Services Department, Buncombe County Planning Department Director, City of Asheville Traffic Engineering Division, and Asheville and Police Fire Departments have confirmed that Luna Lane will not duplicate another street name elsewhere in Buncombe County or impair the delivery of municipal or emergency services; and

WHEREAS, notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation; and

WHEREAS, a public hearing on this matter was held on June 27, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The street name change from "Hillcrest Drive" to "Luna Lane," as shown on the attached map, be accepted and that such name acceptance be effective upon adoption of this resolution.

2. The Director of Public Works is hereby directed to cause this street name change to be entered on the City of Asheville City Maintained Street Inventory.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bowlson
City Clerk

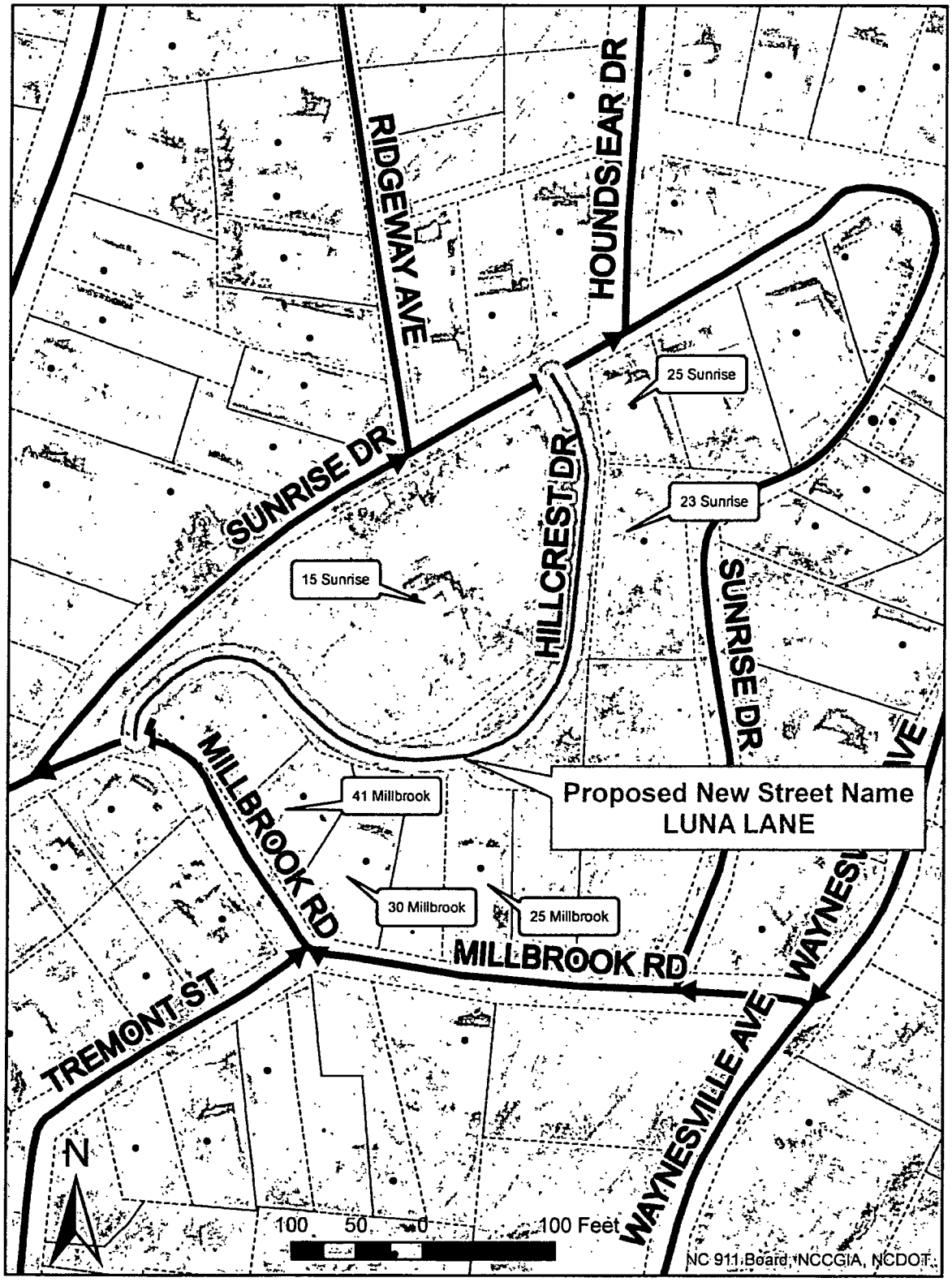
Mayor

Approved ~~as~~ to form:

City Attorney

Magdalen Bowlson
City Clerk

City of Asheville E911
Hillcrest Drive to LUNA LANE
Asheville Zip 28806 April 25 2017



34

RESOLUTION NO. 17-146

RESOLUTION TO ACCEPT THE STREET NAME CHANGE FROM "KITCHEN PLACE" TO "KITCHIN PLACE"

WHEREAS, the City has the authority pursuant to G.S. 160A-296 and City Code Sec. 16-175 to change the names of public streets within the City's jurisdiction; and

WHEREAS, the owners of property adjoining portions of Kitchen Place petitioned to change the spelling of "Kitchen Place" to "Kitchin Place" and City staff recommends the change to "Kitchin"; and

WHEREAS, City staff has identified the proposed spelling will be consistent with the historical street name spelling; and

WHEREAS, Buncombe County Emergency Services Department, Buncombe County Planning Department Director, City of Asheville Traffic Engineering Division, and Asheville and Police Fire Departments have confirmed that Kitchin Place will not duplicate another street name elsewhere in Buncombe County or impair the delivery of municipal or emergency services; and

WHEREAS, notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation; and

WHEREAS, a public hearing on this matter was held on June 27, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The street name change from "Kitchen Place" to "Kitchin Place," as shown on the attached map, be accepted and that such name acceptance be effective upon adoption of this resolution.

2. The Director of Public Works is hereby directed to cause this street name change to be entered on the City of Asheville City Maintained Street Inventory.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bullock
City Clerk

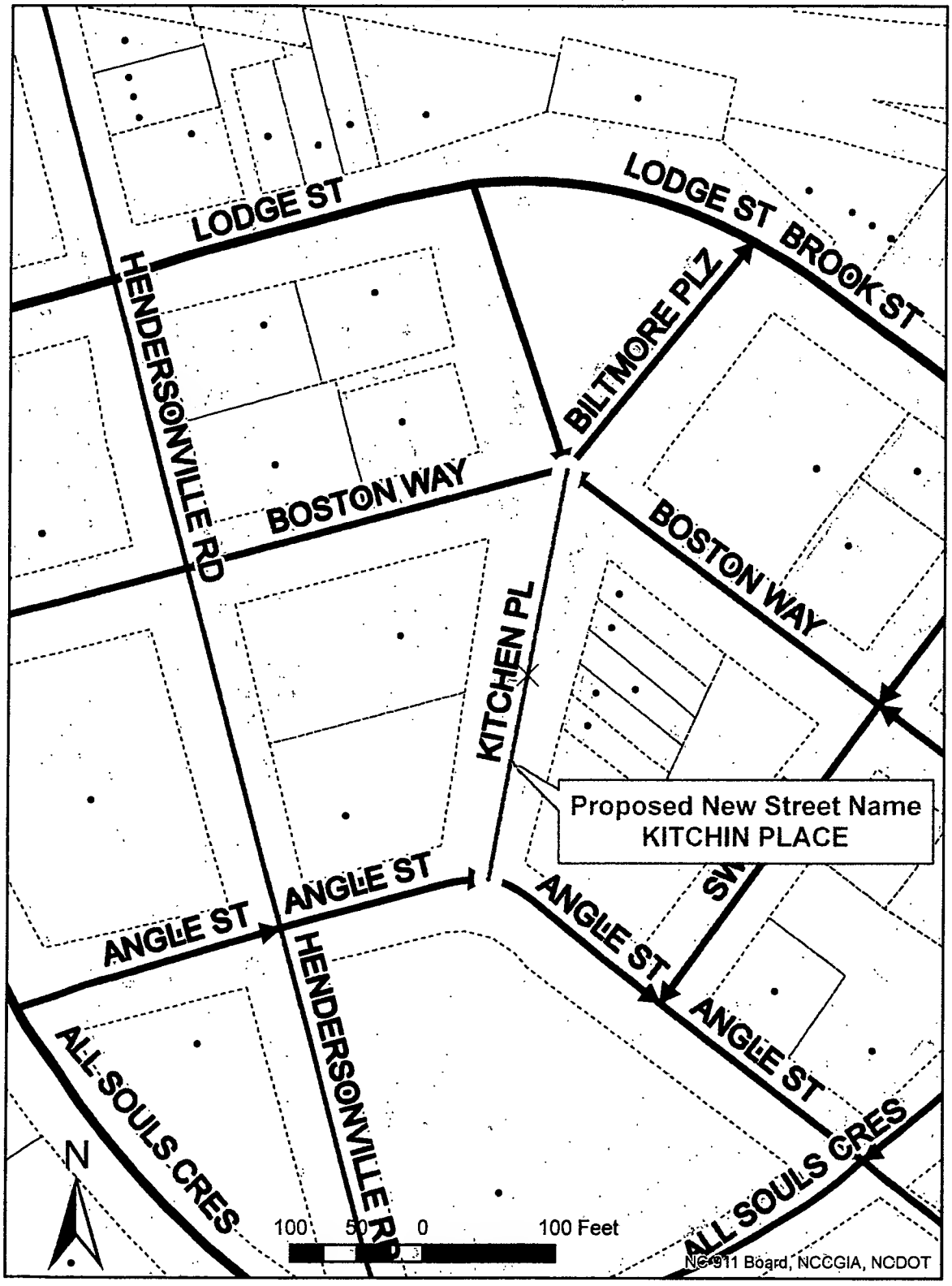
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

City of Asheville E911
Kitchen Place to KITCHIN PLACE
Asheville Zip 28803 April 2017



36

RESOLUTION NO. 17-147

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR RIVERBEND MALT HOUSE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, Riverbend Malt House is proposing to expand operations within the City limits adding $9,500,000 in new capital investment; and

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering grants to qualifying businesses locating and expanding within the corporate limits;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves a grant to Riverbend Malt House not to exceed $95,000 payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and Riverbend Malt House.

2. The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 27th day of June, 2017.

Magdalen Bresson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bresson
City Clerk

RESOLUTION NO. 17-148

RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The formal meeting of the Asheville City Council scheduled for Tuesday, October 10, 2017, is hereby cancelled.

Read, approved and adopted this 25th day of July , 2017.

Magdalen Bowleson
CITY CLERK

Esther E Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 17- 149

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEAF DOWNTOWN AVL ON THE DATES OF FRIDAY, AUGUST 4, 2017 FROM 3:00 PM – 10:00 PM AND SATURDAY, AUGUST 5, 2017 FROM 9:00 AM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at LEAF Downtown AVL.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the LEAF Downtown AVL event area, as set forth in Exhibit A, attached.

   The LEAF Downtown AVL event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for LEAF Downtown AVL on Friday, August 4, 2017 from 3:00 p.m. – 10:00 p.m. and Saturday, August 5, 2017 from 9:00 a.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the LEAF Downtown AVL event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the LEAF Downtown AVL event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the LEAF Downtown AVL, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bauleson
CITY CLERK

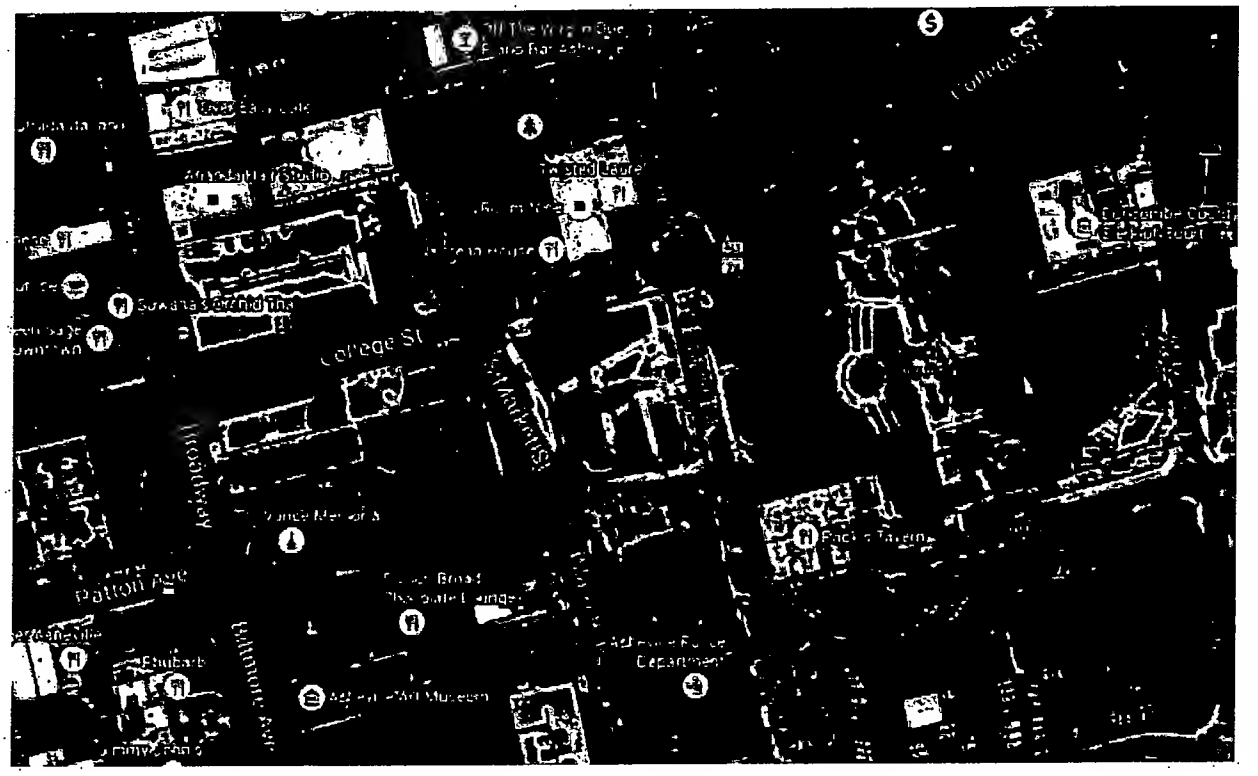
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bauleson
City Clerk

EXHIBIT A


College St
Broadway
Patton Ave
Rhubarb
Asheville Art Museum
College St

RESOLUTION NO. 17- 150

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE OUTDOOR CINEMA ON THE DATES OF SATURDAY, AUGUST 26, SEPTEMBER 2, SEPTEMBER 9, OCTOBER 7, OCTOBER 14, 2017 FROM 6:00 PM – 11:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Outdoor Cinema.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Outdoor Cinema event area, as set forth in Exhibit A, attached.

   The Asheville Outdoor Cinema event area is within the boundaries of Carrier Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Outdoor Cinema on Saturdays, August 26, September 2, September 9, October 7, and October 14, 2017 from 6:00 p.m. – 11:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Outdoor Cinema event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Outdoor Cinema event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Outdoor Cinema, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bowleson
CITY CLERK

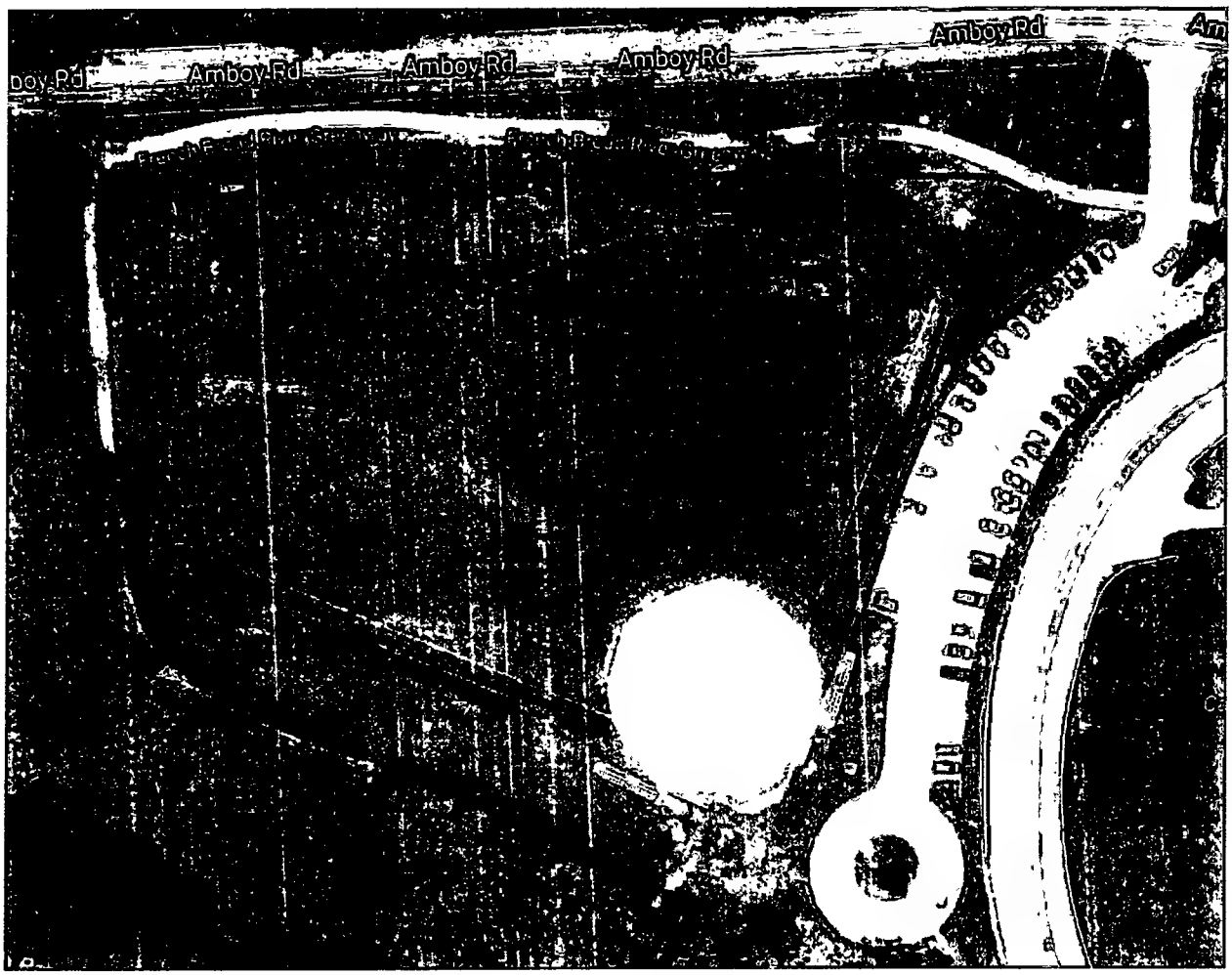
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

EXHIBIT A



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RESOLUTION NO. 17- 151

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL ON THE DATE OF SATURDAY, SEPTEMBER 30, 2017 FROM 11:00 AM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Blue Ridge Pride Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

5. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Blue Ridge Pride Festival event area, as set forth in Exhibit A, attached.

   The Blue Ridge Pride Festival event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

6. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Blue Ridge Pride Festival on Saturday, September 30, 2017 from 11:00 a.m. – 7:00 p.m.

7. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Blue Ridge Pride Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Blue Ridge Pride Festival event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

8. The location of the Blue Ridge Pride Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bowleson
CITY CLERK

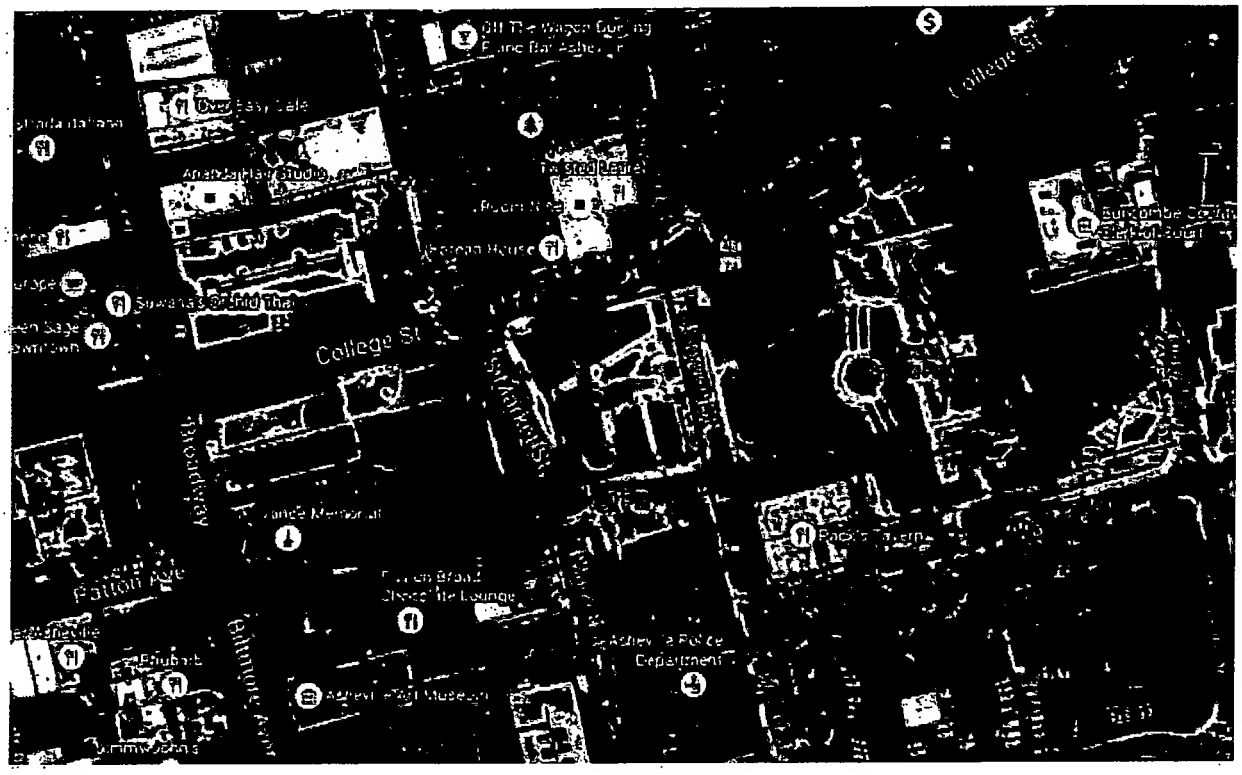
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

EXHIBIT A


College St
Broadway
Patton Ave
Asheville Police Department
Buncombe County

RESOLUTION NO. 17-152

RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND TO ENTER INTO A SOLE SOURCE CONTRACT FOR THE PURPOSE AND INSTALLATION OF ENERGY EFFICIENT LIGHTING IN THE CIVIC CENTER PARKING DECK

WHEREAS, the City has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, N.C.G.S 143-129 details the procedures for the letting of public contracts and N.C.G.S. 143-129 (e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, N.C.G.S 143-129(e)(6) exempts the purchase of apparatus, supplies, material or equipment from formal bidding requirements when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."; and

WHEREAS, Duke Energy Small Business Energy Saver (SBES) Program pays for energy efficient upgrades; and

WHEREAS, Lime Energy is the only approved contractor for the SBES Program; and

WHEREAS, participation by the City in the SBES Program and entering into the required sole source purchase and installation contract will enable the City to replace 1,011 inefficient City Parking Deck lights with new, highly efficient LED fixtures, prebuilt with daylight sensors, at a significant cost savings to the City; and

WHEREAS, total costs of the Project is $155,663 with funding utilized from the Green Revolving Fund in the amount of $100,000 and Parking Services Operating Fund in the amount of $55,663; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City to participate in Duke Energy Progress' Small Business Energy Savers Program and to authorize the City Manager enter into sole source provider contract for the purchase and installation of energy efficient lighting products in the amount not to exceed $155,663.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bowerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 17-153

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE APPRENTICE/INTERN PROGRAM FOR FISCAL YEAR 2017-18

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal and State government and to enter into contracts for the administration of said grants;

WHEREAS, funds for FY 2017-18 are available from the North Carolina Department of Transportation (NCDOT) to hire a transit planning apprentice to perform planning activities; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $33,747 for the cost of transit planning from the NCDOT; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $3,751;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with the North Carolina Department of Transportation to fund the apprentice/intern program for FY 2017-18.

Read, approved and adopted this 25th day of July 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-154

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOITATIONS AND EXECUTE A PUBLIC PRIVATE PARTNERSHIP AGREEMENT WITH THE DEVELOPER/PROPERTY OWNERS OF 150 COXE AVENUE (CONABEER VENTURES, LLC), FOR THE PAVING OPERATIONS WITHIN THE PUBLIC RIGHT OF WAY ALONG BANKS AVENUE AND RESTORATION OF COLLIER AVENUE BOARDING 150 COXE AVENUE

WHEREAS, pursuant to N.C.G.S. 160A-11 and 160A-240.1, the City is authorized to enter into contracts and agreements and to acquire by grant personal property (i.e. funds) for use by the City or City Departments such as this public private partnership agreement to make improvement to City infrastructure; and

WHEREAS, the partnership will minimize disruption to the traveling public and will provide cost savings for the work since the City will complete the entire resurfacing project; and

WHEREAS, the City through this partnership will gain improved roadways along Banks Avenue and Collier Avenue; and

WHEREAS, an engineer's estimate has been completed and determined that the cost for the work along Banks Avenue and Collier Avenue is $170,356 in which the developer will be responsible for $32,660;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a public/private partnership agreement with the developer/owner of 150 Coxe Avenue (Conabeer Ventures, LLC), for the paving operation within the public right of way along Banks Avenue and restoration of Collier Avenue boarding the property at 150 Coxe Avenue. The owner will be responsible the estimated work associated with their development. The total cost to the developer will be $32,660.

Read, approved and adopted this the 25th day of July 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17- 155

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH UNC-ASHEVILLE FOR A FEE WAIVER FOR ASHEVILLE'S SOLAR ECLIPSE FESTIVAL TO BE HELD AT PACK SQUARE PARK ON AUGUST 21, 2017

WHEREAS, the City of Asheville entered into a Memorandum of Understanding with UNC Asheville in 2013 to establish a framework by which UNC Asheville and the City of Asheville could facilitate activity in alignment with the strategic priorities of each party; and

WHEREAS, the City of Asheville acknowledges the significant value in festival and special event partnerships that promote a connected and engaged community, community development initiatives and organizational partnerships; and

WHEREAS, on August 21, 2017 a solar eclipse will occur where the sky in Asheville will darken with 99% of the sun covered by the Moon at its maximum; and

WHEREAS, UNC Asheville in partnership with Asheville City Schools, Buncombe County Schools, and the Asheville Museum of Science has requested fee waivers to support the execution of a special event in Pack Square Park during the solar eclipse that aims to promote public education and awareness for viewing a solar eclipse to area residents and visitors;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is authorized to enter into an agreement with UNC Asheville, authorizing an estimated value of $1,600 in fees to be waived to support Asheville's Solar Eclipse Festival. Asheville's Solar Eclipse Festival will occur on Monday, August 21, 2017 from 12:00 p.m. to 3:00 p.m. within the boundaries of Pack Square Park's Roger McGuire Green.

2. Under the terms of the agreement, fees to be waived by the City for Asheville's Solar Eclipse Festival are limited to park use fees, permit fees, police and medic support, use of supplemental waste receptacles and barricades.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 17-156

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MCDONALD TRANSIT FOR OPERATIONS AND MAINTENANCE OF THE ASHEVILLE TRANSIT SYSTEM (ART)

WHEREAS, North Carolina law prohibits municipalities from engage in in collective bargaining; and

WHEREAS, the City of Asheville must hire a company to operate the transit system; and

WHEREAS, a 13(c) Labor Agreement with Amalgamated Transit Union Local 128 covering all hourly employees is required; and

WHEREAS, a collective bargaining agreement is in place until January 31, 2020 and will be reassigned by the parties to the new company; and

WHEREAS, McDonald Transit was selected by the evaluation committee among two other firms to provide operations and maintenance of the transit system; and

WHEREAS, the evaluation committee recommends that the City enter into an agreement with McDonald Transit to operate and maintain the transit system;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with McDonald Transit to operate and maintain the Asheville Transit System (ART) up to the approved total budgeted amount.

Read, approved and adopted this 25th cay of July 2017.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 17- 157

RESOLUTION WAIVING PERMIT FEES ASSOCIATED WITH THE CONSTRUCTION/ RENOVATION OF THE ASHEVILLE ART MUSEUM AT 2 SOUTH PACK SQUARE (CITY OWNED FACILITY

WHEREAS, the City of Asheville has identified the significant value of the cultural and economic benefits of the Asheville Art Museum to the community;

WHEREAS, the Asheville Art Museum has developed plans and conducted a capital campaign to support construction and renovation of a City owned facility located at 2 South Pack Square; and

WHEREAS, the reinvestment of the value of permit fees into renovation/construction at a City-owned facility enhances public infrastructure, economic vitality, educational and cultural opportunities for all those who reside and visit our community; and

WHEREAS, the City Council on April 12, 2016 via Resolution No. 16-84, approved a permit fee waiver for the Art Museum in an amount not to exceed $90,000; and

WHEREAS, the costs of the project have increased resulting in a projected permit fee total of $102,000 and the Art Museum has requested an increase in the permit waiver fee in the additional amount of $12,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

In support of the long-standing partnership between the City of Asheville and Asheville Art Museum, the City Manager is hereby authorized to waive an additional amount of up to $12,000 in permit fees for the construction/renovation of the Asheville Art Museum located within a City-owned facility at 2 South Pack Square. The permit fee waiver is associated with permits submitted by Asheville Art Museum through certificate of occupancy.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 17-158

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NATIONAL PARKS AND RECREATION ASSOCIATION FOR A GRANT NOT TO EXCEED A $25,000.00 FOR PROGRAMMING COST OF THE HEALTHY OUT-OF-SCHOOL TIME GRANT

WHEREAS, pursuant to G.S 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to operating after schools programs and healthy nutrition programs with children in low-income communities; and

WHEREAS, funds are available from the National Recreation and Parks Association in the Healthy Out-of-School Time Grant to support nutrition education and to increase of the amount of healthy food served to children in low income communities ; and

WHEREAS, the City of Asheville applied to the National Recreation and Parks Association and received a grant not to exceed $25,000.00 which requires no matching funds; and

WHEREAS, funds will be used to enhance existing food service program in six after school and 11 summer camp sites where 70% to 90% of children ages 5 to 14 receive free to reduced school lunches;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to enter into an agreement with the National Recreation and Parks Association for a grant not to exceed $25,000.00 to support operating and technical cost associated with the Healthy Out-of-School Time Grant to enhance existing food service program in six after school and 11 summer camp sites.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock

RESOLUTION NO. 17-159

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH HYDROCYCLE ENGINEERING FOR THE PROFESSIONAL SERVICES ASSOCIATED WITH A WATERSHED ASSESSMENT OF THE WELLINGTON STREET AREA

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City Council has previously approved the City Manager the ability to provide an exemption to the Mini-Brooks Act in order to enter into professional services for project under $50,000; and

WHEREAS, by Resolution No. 16-177, the City Council has previously approved the City Manager the ability to complete negotiations and execute a contract with HydroCycle Engineering for the professional services associated with the watershed assessment of the Wellington Street for an amount of $47,000; and

WHEREAS, the City requests addition professional services to be provided requiring an extension of total compensation from $47,000 to $49,000 and the time of completion to be extended to one year from the notice to proceed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment to the contract with Hydrocycle Engineering for the professional services associated with a watershed assessment of the Wellington Street area.

Read, approved and adopted this the 25th day of July, 2017.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 17-160

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH T & K UTILITIES, INC., FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT (NEP) AREA 1 WATER DISTRIBUTION SYSTEMS PHASE 2 PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the NEP Area 1 Water Distribution Systems Phase 2 Project; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 20,600 Linear Feet of 6-inch, 8-inch, and 12-inch Ductile Iron Pipe located along Eliada Road, Wilson Road and Enka Lake Road in the west area of the City of Asheville Water Distribution System; and

WHEREAS, T & K Utilities, Inc., was the lowest responsible, responsive bidder for the Project, in the amount of $2,383,610; and

WHEREAS, the bids have been reviewed by the Water Resources Department, the City's Office of Economic Development (Minority Business Plan Compliance), and project engineers McGill Associates with all officers recommending approval of the bid;

WHEREAS, the monies are currently allocated within the Water Resources Capital Improvements Project Fund in the Small Waterline Replacement Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with T & K Utilities, Inc., for the NEP Area 1 Water Distribution Systems Phase 2 Project for the bid amount of $2,383,610 plus a 10% contingency in the amount of $238,361 for a total project budget in the amount of $2,621,971.00 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 25th day of July 2017.

Magdalen Bullock
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

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RESOLUTION NO. 17-161

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND CLIMBMAX, INC. ON 43 WALL STREET

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of up to ten (10) years upon resolution of the City Council adopted at a regular meeting after 30 days public notice; and

WHEREAS, The City of Asheville is the owner of real property located at 43 Wall Street known as the Wall Street Parking Facility, identified as PIN # 9649-20-9249-00000; and

WHEREAS, the City of Asheville would like to extend a new lease to Climbmax Inc. to lease a portion of the lower level of the parking garage for a three year term with one renewal of five years; and

WHEREAS, the rental for the leased premises will be $1,215.00 per month with an annual escalation rate of 5% for the initial lease term;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between the City of Asheville and Climbmax, Inc. for a recreational climbing facility at 43 Wall Street. at PIN 9649-20-9249-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-162

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH COOPER CONSTRUCTION COMPANY, INC., FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT (NEP) AREA 4 WATER DISTRIBUTION SYSTEMS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the NEP Area 4 Water Distribution Systems Project; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 24,000 Linear Feet (LF) of 6-inch and 8-inch Ductile Iron Pipe and approximately 550 LF of 2-inch High Density Polyethylene (HDPE) in various areas of the City of Asheville Water Distribution System located near Warren Wilson Road, Hanover Street, Waynesville Avenue, North Street, Dogwood Court, Willis Way, Piney Mountain Church Road, and Conestee Street; and

WHEREAS, Cooper Construction Company, Inc., was the lowest responsible, responsive bidder for the Project, in the amount of $4,566,286.02; and

WHEREAS, the bids have been reviewed by the Water Resources Department, the City's Office of Economic Development (Minority Business Plan Compliance), and project engineers Kimley-Horn and Associates with all officers recommending approval of the bid; and

WHEREAS, the monies are currently allocated within the Water Resources Capital Improvement Project (CIP) fund in the small waterline replacement project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Cooper Construction Company, Inc., for the NEP Area 4 Water Distribution Systems Project for the bid amount of $4,566,286.02 plus a 10% contingency in the amount of $456,629.00 for a total project budget in the amount of $5,022,915.00 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 25th day of July 2017.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 17-163

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A GRANT FROM THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES THROUGH THE NORTH CAROLINA FOREST SERVICE, URBAN & COMMUNITY FORESTRY PROGRAM TO ASSIST IN PERFORMING A GAP ANALYSIS FOR THE CITY'S URBAN FOREST PROGRAM.

WHEREAS, the North Carolina Department of Agriculture and Consumer Services provide grant opportunities for urban areas; and

WHEREAS, the North Carolina Department of Agriculture and Consumer Services has offered a grant for $6,000 for the gap analysis for the City; and

WHEREAS, the City of Asheville intends to continue to promote the urban forest planning efforts within the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and accept a grant from the North Carolina Department of Agriculture and Consumer Services through the North Carolina Forest Service, Urban & Community Forestry Program to assist in performing a gap analysis for the City's Urban Forest program. The grant will total $6,000.

Read, approved and adopted this the 25 day of July, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-164

RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING LEASE AGREEMENT BETWEEN SKYLAND VOLUNTEER FIRE DEPARTMENT, INC. AND THE CITY OF ASHEVILLE FOR SPACE TO BE LEASED AT 1 POND ROAD

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, Skyland Volunteer Fire Department Inc. ("Skyland VFD") is the owner of real property located at 9 Miller Road, identified as PIN # 9654-19-1950-00000 and now also, 1 Pond Road, identified as PIN # 9654-19-3810-00000; and

WHEREAS, The City signed a 99 year ground lease with Skyland VFD in 1995 to allow the Asheville Fire Department to lease space at 9 Miller Road and in 1999, this lease was amended to allow occupancy by the Asheville Police Department in this space as well; and

WHEREAS, the City of Asheville would like to amend the existing ground lease to include space in a building that the Skyland Volunteer Fire Department has acquired and is up-fitting for occupancy at 1 Pond Road for use by the Asheville Police Department as a substation, instead of the space at 9 Miller Road; and

WHEREAS, the Asheville Fire Department will continue to occupy space at the 9 Miller Road property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment to the existing Ground Lease Agreement between Skyland Volunteer Fire Department Inc. and the City of Asheville. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

60

RESOLUTION NO. 17 - 165

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FEDERAL FISCAL YEAR 2017 SECTION 5339 FORMULA FUNDS

WHEREAS, pursuant to N.C.G.S. # 160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the City of Asheville receives an annual allocation from the formula funds of the Federal Transit Administration Section 5339 Buses and Bus Facilities Grants Program; and

WHEREAS, the City of Asheville has identified a project called "Transit Station Renovation" that would include the allocated funding from the Federal Fiscal Year 2014 Section 5339 formula funds in the amount of $213,911; and

WHEREAS, the City of Asheville would like to use these funds for the identified project; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville hereby authorizes the City Manager to accept the Federal Fiscal Year 2014 Section 5339 formula funds in the amount of $213,911 to be used for the "Transit Station Renovation" project.

Read, approved and adopted this the 25th day of July, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-166

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOITATIONS AND EXECUTE A PUBLIC PRIVATE PARTNERSHIP AGREEMENT WITH THE DEVELOPER/PROPERTY OWNERS OF 10 BROADWAY (MHG TOWER, LLC), FOR THE PAVING OPERATIONS WITHIN THE PUBLIC RIGHT OF WAY ALONG COLLEGE STREET

WHEREAS, pursuant to N.C.G.S. 160A-11 and 160A-240.1, the City is authorized to enter into contracts and agreements and to acquire by grant personal property (i.e. reimbursement funds) for use by the City or City Departments such as this public private partnership agreement to make improvement to city infrastructure; and

WHEREAS, the partnership will minimize disruption to the traveling public and will provide cost savings for the work since the City will complete the entire resurfacing project; and

WHEREAS, the City through this partnership will gain improvements along College Street; and

WHEREAS, an engineer's estimate has been completed and determined that the cost for the work along College Street is $64,563 in which the developer will be responsible for $14,304;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorize to execute a public/private partnership agreement with the developer/owner of 10 Broadway (MHG Tower, LLC), for the paving operation within the public right of way College Street. The owner will be responsible the estimated work associated with their development. The total cost to the developer will be $14,304.

Read, approved and adopted this the 25th day of July 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

62

RESOLUTION NO. 17-167

RESOLUTION CALLING A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO A VOTE AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR SIX SINGLE-MEMBER ELECTORAL DISTRICTS GOVERNING THE NOMINATION AND ELECTION OF CITY COUNCIL MEMBERS

WHEREAS, pursuant to N.C. Gen. Stat. §§ 160A-101 and 160A-102, on July 25, 2017, the City Council of the City of Asheville adopted Ordinance No. 4603, amending the Charter of the City of Asheville to provide for six single-member electoral districts governing the nomination and election of City Council members; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-102, Ordinance No. 4603 provides that it will become effective only if approved by a vote of the people;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. An election is hereby called for Tuesday, November 7, 2017, for the purpose of determining whether Ordinance No. 4603, which provides, among other things, for six, single-member, electoral districts governing the nomination and election of City Council members, shall be approved.

2. The form of the proposition to approve the ordinance shall be printed on the ballot in accordance with N.C. Gen. Stat. § 160A-105, and shall be in substantially the same form as shown on Exhibit A, attached hereto.

3. Pursuant to N.C. Gen. Stat. § 160A-102, the City Clerk shall cause to be duly published a notice of the election hereby called and shall forward a copy of this resolution to the Buncombe County Board of Elections.

4. The election shall be held in accordance with Articles 23 and 24, Chapter 163 of the General Statutes of North Carolina.

Read, approved and adopted, this 25th day of July 2017.

Magdalen Bowman
City Clerk

Esther E. Manheimer
Mayor

Approved as to from:

City Attorney

Magdalen Bowman
City Clerk

EXHIBIT A

"Shall the Ordinance (City of Asheville Ordinance No. 4603 adopted by the City Council of the City of Asheville on July 25, 2017), amending Section 6 of the Charter of the City of Asheville, as set forth below, to provide for six single-member electoral districts governing the nomination and election of Asheville City Council members, be approved?

"Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six councilmembers, all nominated and elected in the manner hereinafter provided. The City shall be divided into six, single-member, electoral districts, to govern the nomination and election of city council members. A candidate who seeks office shall represent the district in which the candidate resides. The qualified voters of each district shall nominate and elect candidates who reside in the district for the seat apportioned to that district. The mayor shall be nominated and elected from the City at large, in accordance with N.C. Gen. Stat. § 101(8)a. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. The term of the mayor and councilmembers shall begin at the first regular meeting of the city council next following their election as set forth hereinafter. The term of office of the mayor and six councilmembers shall be four years, and shall be so staggered that the terms of office of three councilmembers shall expire every two years. Said staggered terms shall begin following the election of 2019, with those three persons elected to council who receive the highest number of votes of the entire council to serve four year terms to expire in 2023, and the other three persons elected to council to serve two year terms to expire in 2021. Commencing with the 2021 election, all terms of office for council members shall be four years. The person elected as mayor at the 2017 election shall serve a four year term of office, with the next Mayoral election being in 2021, and for four year terms thereafter. A mayor or member of council ceasing to possess any of the qualifications specified in this section, or the qualifications which applied at the time that person took office if different than here, shall immediately forfeit office."

( ) YES

( ) NO"

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RESOLUTION NO. 17-168

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the terms of Rich Lee (at-large representative), John Stuart Ridout (at-large representative) and Till Dohse (at- large representative), as members on the Multimodal Transportation Commission, will expire on July 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Rich Lee, 172 Deaver Street, Asheville, N.C., be and he is hereby reappointed, as a member of the Multimodal Transportation Commission (at-large representative) to serve a three-year term, term to expire July 1, 2020, or until her successor has been appointed.

(2) Mr. John Stuart Ridout, 38 Nixon Terrace, Asheville, N.C., be and he is hereby reappointed, as a member of the Multimodal Transportation Commission (at-large representative), to serve an additional three-year term, term to expire July 1, 2020, or until her successor has been appointed.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 17-169

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the term of Elaine Poovey (at-large member) expired on July 1, 2017; and

WHEREAS, Greta Bush (at-large member) has resigned, thus leaving an unexpired term until July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Jackson Tierney, 74 Magnolia Avenue, Asheville, N.C., be and he is hereby appointed to serve a three-year term (at-large representative) term to expire July 1, 2020, or until his successor has been appointed.

Mr. Mike Wasmer, 135 S. Grove Street, Asheville, N.C., be and he is hereby appointed to serve the unexpired term of Ms. Bush, (at-large representative), term to expire July 1, 2018, or until his successor has been appointed.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

66

RESOLUTION NO. 17-170

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, the term of DeWayne Barton, as a member of the African American Heritage Commission, expires on July 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. DeWayne Barton, 31 Mardell Circle, Asheville, N.C., be and he is hereby appointed as a member to the African American Heritage Commission, to serve a three-year term, term to expire July 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson

RESOLUTION NO. 17-171

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, Richard Carpenter has expired as a regular member on the Board of Adjustment thus leaving an unexpired term until January 21, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Daniel Summerlin, 18 Ridgewood Place, Asheville, N.C. be and he is hereby appointed as a Regular member of the Board of Adjustment, to serve the unexpired term of Mr. Carpenter as a Regular Member, term to expire January 21, 2020, or until his/her successor has been appointed.

Mr. John Kledis, 26 Jamaul Avenue, Asheville, N.C. be and he is hereby appointed as an Alternate member of the Board of Adjustment, to serve the unexpired term of Mr. Summerlin, term to expire January 21, 2018, or until his successor has been appointed.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bullison
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullison
City Clerk

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RESOLUTION NO. 17-172

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the term of Corey Atkins, as a member on the Civic Center Commission, expired on June 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Corey B. Atkins, 4 Braddock Way, Asheville, N.C., be and he is hereby reappointed as a member to the Civic Center Commission to serve a three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 17-173

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, the terms of Brendan Ross and Richard Fast, as members on the Asheville-Buncombe Historic Resources Commission, will expire on July 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Janet Whitworth, 302 Sh ortia Lane, Asheville, North Carolina, be and she is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire on July 1, 2020, or until her successor has been appointed.

(2) Ms. Emily Spreng, 117 Pebb e Creek Drive, Asheville, North Carolina, be and she is hereby appointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire on July 1, 2020, or until her successor has been appointed.

Read, approved and adopted this 25th day of July, 2017.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 17-174

RESOLUTION SUPPORTING THE RECOMMENDATION AND DESIGNATION OF CRAGGY MOUNTAINS WILDERNESS AREA NEAR ASHEVILLE, NORTH CAROLINA

WHEREAS, Craggy/Big Ivy is one of the most popular and ecologically important recreation destinations in Southern Appalachia, with prized trout streams, rare wildlife, waterfalls, swimming holes, rugged trails, and scenic overlooks that attract tens of thousands of outdoor enthusiasts annually to Asheville; and

WHEREAS, the Craggy/Big Ivy section of Pisgah National Forest in Buncombe County contains 3,000 acres of old-growth forest—one of the largest old-growth forests in the East; and

WHEREAS, Craggy/Big Ivy's pristine headwaters are home to native trout and part of the protected watershed of the Ivy River, an important tributary of the French Broad and drinking water source for the city of Weaverville and surrounding communities of Buncombe County; and

WHEREAS, Craggy/Big Ivy's wild forests shelter at least 44 rare plant and animal species and the North Carolina Natural Heritage Program has identified over 3,000 acres of Big Ivy for highest priority protection, and it has been highlighted by The Nature Conservancy as one of the most important core forests in the Southern Blue Ridge; and

WHEREAS, Craggy/Big Ivy has globally significant botanical, zoological, geologic, scenic, and recreational resources that are currently underrepresented across the Pisgah-Nantahala National Forest; and

WHEREAS, Craggy/Big Ivy offers some of the best opportunities for primitive recreation and solitude in Buncombe County and throughout the Pisgah National Forest with rugged, remote peaks and ridges that are surrounded by 100,000 acres of contiguous wildlands, making Big Ivy an ideal location for wilderness; and

WHEREAS, Big Ivy/Craggy Wilderness area would be the closest wilderness area to Asheville, and Buncombe County currently has no wilderness areas; meanwhile, Haywood County, Jackson County, Macon County, Clay County, Graham County, and Burke County all have federally designated wilderness areas that are major drivers of outdoor recreation and tourism both regionally and nationally; and

WHEREAS, local families have used Big Ivy to hunt, fish, hike, camp, and swim for over two centuries, and the Craggy Mountain Wilderness in Big Ivy will safeguard traditional local uses of the land; and

WHEREAS, Asheville citizens and outdoor enthusiasts have overwhelmingly supported an expanded Big Ivy wilderness in public hearings and community meetings; and

WHEREAS, Big Ivy's expansion of wilderness and protection of its backcountry trail network are supported by a broad coalition of over 30 local, regional, and national organizations and Asheville-based businesses; and

WHEREAS, an expanded Big Ivy/Craggy Wilderness has already been unanimously

supported by the Buncombe County Commissioners; and

WHEREAS, the U.S. Forest Service is considering recommending an expanded Craggy Mountain Wilderness Area for official congressional designation as part of its Pisgah-Nantahala National Forest Management Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. That the expanded Craggy Mountains Wilderness Study Area be recommended for designation as a wilderness area by the U.S. Forest Service and designated by the U.S. Congress.
2. That a copy of this resolution be sent to the U.S. Forest Service and our Congressional delegation.
3. That this resolution be effective upon its adoption.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 17-175

A RESOLUTION ENCOURAGING CONGRESS TO CREATE A RELIABLE, PREDICTABLE STREAM OF RESOURCES TO ADDRESS DEFERRED MAINTENANCE NEEDS IN AMERICA'S NATIONAL PARK SYSTEM

WHEREAS, America's National Park System is a living testament to our citizens valor, our nation's hardships, our victories, and our traditions as Americans, and has been called "America's Best Idea;" and

WHEREAS, the National Park System preserves the diversity, culture, and heritage of all Americans, and serves as a living classroom for future generations; and

WHEREAS, in 2016, the National Park Service celebrated its centennial, and currently manages more than 400 nationally significant sites and an invaluable collection of more than 75,000 natural and cultural assets that span 84 million acres across all 50 states, the District of Columbia, and several U.S. territories and insular areas; and

WHEREAS, North Carolina is home to ten national park units, including Cape Hatteras National Seashore, Moores Creek National Battlefield, Great Smoky Mountains National Park, and the Blue Ridge Parkway; and

WHEREAS, the City of Asheville is a gateway community to the Blue Ridge Parkway, and benefits from the tourism associated with visitors to the park and the improved quality of place for residents; and

WHEREAS, the National Park Service's mission is to "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations;" and

WHEREAS, in 2016, the National Park System had more than 331 million visits, with 18.5 million in North Carolina, and 15.2 million visitors along the length of the Blue Ridge Parkway; and

WHEREAS, in 2016, National Park Service estimates indicate that park visitors spent more than $1.3 billion in North Carolina in the local communities adjacent to national parks, including $980 million in those along the Blue Ridge Parkway; and

WHEREAS, the National Park Service has the obligation to preserve our nation's history; promote access to national parks for all citizens; stimulate revenue to sustain itself and nearby communities; educate the public about America's natural, cultural and historical resources, and provide safe facilities and environs to enjoy these resources; and

WHEREAS, in 2016, the National Park Service estimated a deferred maintenance backlog of $11.3 billion, over $430 million in North Carolina, and $261 million along the North Carolina section of the Blue Ridge Parkway, which includes repairs to aging historical structures, trails, sewers, thousands of miles of roads, bridges, tunnels, and other vital infrastructure; and

WHEREAS, it is the responsibility of Congress to maintain America's national parks to ensure our natural places and our history is preserved and documented for future generations, and for the adjacent communities that rely on the direct and indirect economic benefits generated by visits to national park sites;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville urges Congress to create a reliable, predictable stream of resources to address deferred maintenance needs in America's National Park System, and to ensure that federal infrastructure initiatives include provisions to address park maintenance.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this resolution to the North Carolina congressional delegation.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. - 17-176

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE CLEAN WATER MANAGEMENT TRUST FUND.

WHEREAS, pursuant to NCGS § 160A-17.1 the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, in February of 2016, the City applied for a grant from the state of North Carolina Clean Water Management Trust Fund (CWMTF) to aid in funding an innovative stormwater project within the River Arts District Transportation Improvement District (RADTIP); and

WHEREAS, in October of 2016, CWMTF awarded the City up to $300,000 to aid in construction of two wetlands, pre and post water quality monitoring and reporting; and

WHEREAS, the City Council of the City of Asheville recognizes that the public welfare and interest of the City includes a vision for a Clean and Healthy Environment, as defined in the 2036 Council Vision; and

WHEREAS, the match funds for this grant are incorporated in the approved Capital Budget for the RADTIP and no additional funds are required;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept grant funds in the amount up to $300,000 from the state of North Carolina Clean Water Management Trust Fund and execute any and all documents, approved by the City Attorney, between granting or administering agencies and the City to accept the grant.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17- 177

RESOLUTION COMMITTING THE CITY OF ASHEVILLE TO PROVIDE THE LOCAL SHARE FOR FEDERAL TRANSIT ADMINISTRATION GRANTS INCLUDING THE 5307 URBANIZED AREA FORMULA PROGRAM

WHEREAS, pursuant to N.C.G.S. S160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the Federal Transit Administration (FTA) has been delegated authority to award federal financial assistance for transit projects; and

WHEREAS, the City serves as the designated recipient for the Asheville Urbanized Area to administer FTA Section 5307 urbanized area formula program funds; and

WHEREAS, FTA grant opportunities require a local share to be provided;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville agrees to provide, or for its sub-recipients to provide, the minimum local share for FTA grants, including but not limited to the 5307 Urbanized Area Formula Program.
2. The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 17-178

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PASSPORT, INC. TO PROVIDE EQUIPMENT, MAINTENANCE AND MANAGEMENT SERVICES FOR THE ISSUANCE AND PROCESSING OF PARKING CITATIONS, AS WELL AS OPTIONAL DELINQUENT COLLECTIONS SOLUTIONS

WHEREAS, the City of Asheville has authority pursuant to North Carolina General Statute § 143-129.8 to enter into contracts with other entities for the purchase of information technology goods and services; and

WHEREAS, the City is seeking to replace its current citation management system and has requested proposals from entities to provide equipment, maintenance and management services for the issuance and processing of parking citations, as well as optional delinquent collections solutions; and

WHEREAS, the City's selection committee determined that Passport, Inc. submitted the best overall proposal to provide the equipment and related services requested; and

WHEREAS, the City desires to enter into a contract with Passport, Inc. for three years, in the amount of $240,000.00, and the monies for the contract have been budgeted in the Transportation Department/Parking Services' Operating Budget for FY 2017-18; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Passport, Inc. for three years, not to exceed $240,000.00, to provide equipment, maintenance and management services for the issuance and processing of parking citations, and optional delinquent collections solutions, with the option to extend the contract for an additional two years and expend funds on such contract extension, pending budgetary approval. The City Manager is further authorized to execute any change orders to said contract or document which might arise during the time period of the contract, up to the budgeted amount.

Read, approved and adopted this the 22nd day of August 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-179

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING, INC. FOR THE PROJECT KNOWN AS YEAR 1 BOND RESURFACING, CITY OF ASHEVILLE, PROJECT NUMBER X-1711

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 17 Asphalt Paving Improvements - Resurfacing, City of Asheville Project # ST-16-17-005; and

WHEREAS French Broad Paving, Inc. of Marshall, NC was the lowest responsible bidder for the project; and

WHEREAS French Broad Paving, Inc. shall provide all labor, materials and equipment for the installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $1,273,149.50 and the monies have been budgeted in the General Obligation Bonds; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $1,273,149.50 plus a contingency $190,972.45 (15%) with French Broad Paving, Inc. for the project known as Year 1 Bond Resurfacing, City of Asheville Project # X-1711.

Read, approved and adopted this the 22nd day of August, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 17- 180

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF SUNDAY, SEPTEMBER 3, 2017 FROM 10:00 AM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, Ordinance 4595 adopted by Council on July 25, 2017 permits sale of alcohol on Sundays beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Cup.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Cup event area, as set forth in Exhibit A, attached.

   The Beer City Cup event area is within the boundaries of Memorial Stadium located at 32 Buchanan Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Cup on Sunday, September 3, 2017 from 10:00 a.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Cup event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Cup event area, or elsewhere in

the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Cup, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22th day of August, 2017.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

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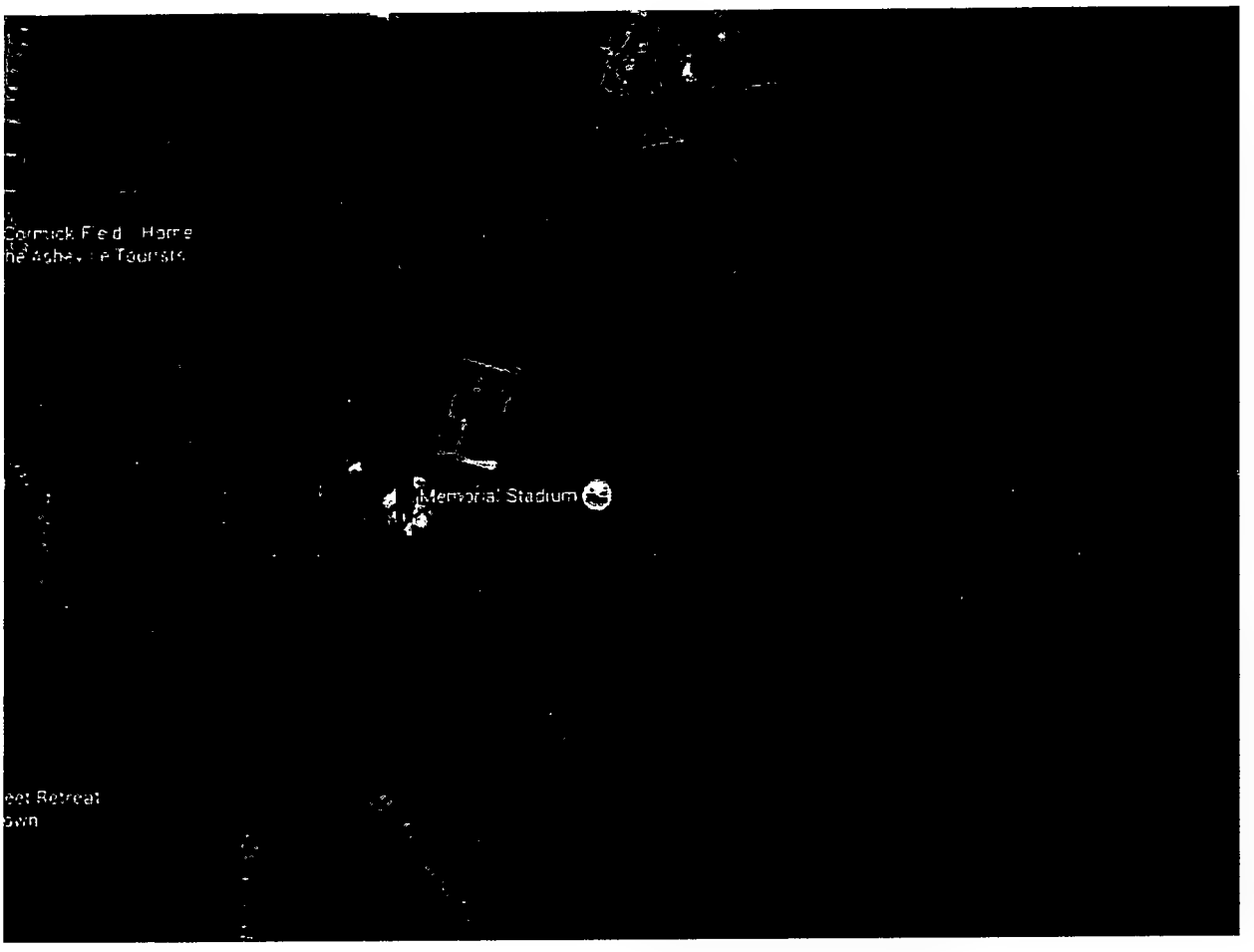
EXHIBIT A



RESOLUTION NO. 17- 181

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LIVING ASHEVILLE ARTS FESTIVAL ON THE DATE OF SUNDAY, SEPTEMBER 3, 2017 FROM 11:00 AM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, Ordinance 4595 adopted by Council on July 25, 2017 permits sale of alcohol on Sundays beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Living Asheville Arts Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Living Asheville Arts Festival event area, as set forth in Exhibit A, attached.

   The Living Asheville Arts Festival event area is within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 overpass, Walnut Street between the intersections of Carolina Lane & Rankin Avenue, and Hiawassee between the intersection of Rankin Avenue and Lexington Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Living Asheville Arts Festival on Sunday, September 3, 2017 from 11:00 a.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Living Asheville Arts Festival event area. No other

possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Living Asheville Arts Festival event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Living Asheville Arts Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

EXHIBIT A

Map
BROADWAY ST
LEXINGTON AVE
PARK AVE
ALLEY
SINGLE ALY
COLLEGE ST

84.

RESOLUTION NO. 17- 182

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON THE DATES OF FRIDAY, SEPTEMBER 8, 2017 FROM 6:00 PM – 10:00 PM AND SATURDAY, SEPTEMBER 9, 2017 FROM 11:00 AM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Goombay Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Goombay Festival event area, as set forth in Exhibit A, attached.

   The Goombay Festival event area is within the boundaries of the Roger McGuire Green and the Court Plaza Parking Lot at Pack Square Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Goombay Festival on Friday, September 8, 2017 from 6:00 p.m. – 10:00 p.m. and Saturday, September 9, 2017 from 11:00 a.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Goombay Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Goombay Festival event area,

or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Goombay Festival, isted hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bullson
CITY CLERK

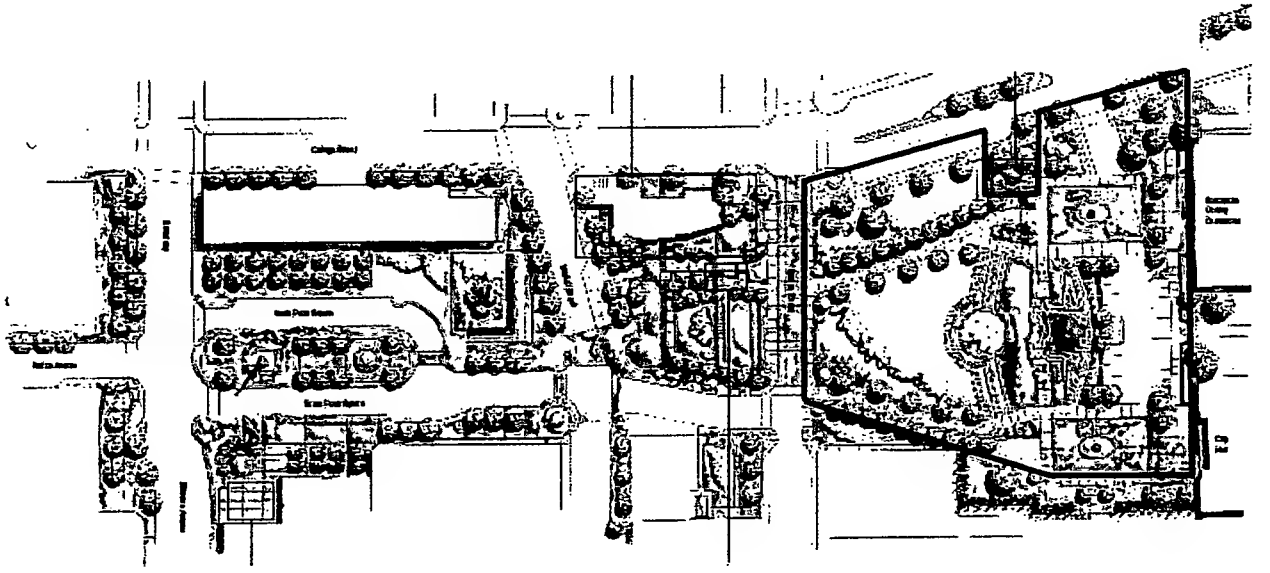
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullson
City Clerk

EXHIBIT A



RESOLUTION NO. 17- 183

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING, INC. FOR THE PROJECT KNOWN AS FY 17 ASPHALT PAVING IMPROVEMENTS - CONTRACT 2, CITY OF ASHEVILLE, PROJECT NUMBER K1701

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 17 Asphalt Paving Improvements - Resurfacing, City of Asheville Project # ST-16-17-005; and

WHEREAS French Broad Paving, Inc. of Marshall, NC was the lowest responsible bidder for the project, and

WHEREAS French Broad Paving, Inc. shall provide all labor, materials and equipment for the installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $904,863 and the monies have been budgeted in the Public Works 2016-2017 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $904,863.00 plus a contingency $45,243.15 (5%) with French Broad Paving, Inc. for the project known as FY 17 - Asphalt Paving Improvements – Contract 2, City of Asheville Project # 1701.

Read, approved and adopted this the 22nd day of August, 2017.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION 17-184

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH BUNCOMBE COUNTY TO SUPPORT THE COUNTY'S APPLICATION FOR GRANT FUNDING THROUGH THE SOUTHEAST SUSTAINABILITY DIRECTOR'S NETWORK TO CREATE A COUNTY-WIDE WEATHERIZATION PROGRAM AND TO PROVIDE TECHNICAL AND OTHER INFORMATION TO THE COUNTY TO ASSIST THE COUNTY WITH SUCH PROGRAM

WHEREAS, pursuant to § NCGS 160A-461, the City may enter into an interlocal cooperation agreements with another unit of government for any undertaking; and

WHEREAS, Buncombe County currently intends to apply for grant funding through the Southeast Sustainability Directors Network to create a County-wide weatherization program; and

WHEREAS, City Council deems it is in the public interest for the City to support the County's grant application and provide technical and other information and support to the County to assist the County with its weatherization program;

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to enter into a Memorandum of Understanding with Buncombe County to support the County's application for a grant from the Southeast Sustainability Directors Network for a county-wide weatherization program and to provide technical and other information and support to the County to assist the County with its weatherization program, with fiscal management and oversight of any grant funds the County receives, as well as the creation, implementation and administration of the weatherization program, being the responsibility of the County.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-185

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH ESRI, INC. FOR A 3 YEAR CONTRACT FOR GIS SOFTWARE MAINTENANCE

WHEREAS, the City has the authority to pursuant to N.C. Gen. Stat. sec 160A-20.1 to enter into contracts with private entities to perform any authorized functions; and

WHEREAS, the City had a 3 year contract ERSI with ESRI, Inc, for GIS software maintenance, and staff recommends a new 3 year contract; and

WHEREAS, the software maintenance contract provides for a fixed rate maintenance cost for the next 3 years; and

WHEREAS, the current contract between the City of Asheville and ESRI, Inc will be expiring and both parties wish to enter into a new 3 year contract for maintenance;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with ESRI Inc. on behalf of the City of Asheville for the purpose of providing a fixed rate maintenance contract for GIS software in the amount of $50,000 per year for the next 3 years, total contact amount of 150,000.

Read, approved and adopted this the 22nd day of August 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 17-186

RESOLUTION CONDEMNING THE ACTIONS OF WHITE SUPREMACISTS AND RACIAL VIOLENCE IN CHARLOTTESVILLE, VIRGINIA

Whereas, on Saturday, August 12, 2017, the people of Charlottesville, Virginia endured an act of racist violence causing harm to many and claiming the lives of three people; and

Whereas, the City of Asheville is saddened and outraged at the escalation of anger, hatred, and bigotry that hold no place in our society; and,

Whereas, racism is an affront to the ideals of our nation and the conscience of our residents; and,

Whereas, the Ku Klux Klan, Neo-Nazis, White Supremacists and other hate groups do not represent the opinions and values of the people of Asheville; and,

Whereas, Asheville is a community with a spirit of inclusion where we celebrate and honor our diversity; and,

Whereas, Mayor Esther Manheimer has condemned the actions of people who espouse hate speech against any race or ethnicity, and especially those who promote white supremacy; and

Whereas, in December 2016 the City of Asheville passed No. 16-254, "Resolution Against Discrimination and Intimidation," stating that we take great pride in being a welcoming and diverse community where all citizens can live and work without fear of physical violence, threats or intimidation; and

Whereas, in October of 2013 the City of Asheville passed Resolution No. 13-227, "Resolution Endorsing the Protection of Civil Liberties for all Citizens," affirming its pledge to uphold the constitutional rights and civil liberties of any and all persons...and to protect against discrimination on the basis of race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or homed or homeless status; and

Whereas, the City of Asheville stands with the residents of Charlottesville, Virginia and across the country, united against those who seek to divide us;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council do hereby reject the message of all hate groups; renounce racism, white supremacy, anti-Semitism, the KKK, neo-Nazis, domestic terrorism and hatred; declare that those who want to spread hatred, bigotry and violence have no place in the city of Asheville; and commit to ensuring that Asheville remains a place of love and compassion, where hate is not, and never will be, welcome.

FURTHERMORE, BE IT RESOLVED THAT:

The Asheville City Council does hereby task the Governance Committee, with timely review of policy recommendations in furtherance of this Resolution, including, but not limited to the review and consideration of the relevant General Statutes and other applicable laws related to historical markers and monuments on city property.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 17- 187

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MCGILL ASSOCIATES, PA FOR THE ASHEVILLE PARKS BALLFIELD UPGRADES/RENOVATIONS BOND PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City to award a contract to McGill Associates, PA for the design services for the Asheville Parks Ballfield Upgrades/Renovations Bond Project; and

WHEREAS, McGill Associates, PA was chosen through a qualifications based selection process as the most qualified to perform the design services; and

WHEREAS, McGill Associates, PA presented a scope of work and fee proposal for professional services associated with the Asheville Parks Ballfield Upgrades/Renovations Bond Project and will provide full design services, bidding administration, and contract administration/reporting; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with McGill Associates, PA to provide design services for Asheville Parks Ballfield Upgrades/Renovations Bond Project for an amount not to exceed $167,255.00, and further authorizing the execution of any contract amendments up to 10% ($16,726) above of the contract price, which may arise during execution of said project.

Read, approved and adopted this the 22th day of August, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-188

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CHERRY BEKAERT LLP FOR AUDITING SERVICES FOR FISCAL YEAR 2016-2017

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, Cherry Bekaert LLP has submitted an engagement letter and contract pursuant to *Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for fiscal year 2016-2017; and

WHEREAS, the City Council desires that the City's fiscal year 2016-2017 audit service contract be awarded to the firm Cherry Bekaert LLP; and

WHEREAS, funds are included in the Finance Department's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with Cherry Bekaert LLP in the amount of $89,000 for auditing services for fiscal year 2016-2017.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17 - 189

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY AND ACCEPT FEDERAL FISCAL YEAR 2017 COMPETITIVE FUNDING OPPORTUNITY; GRANTS FOR BUSES AND BUS FACILITIES INFRASTRUCTURE INVESTMENT PROGRAM

WHEREAS, pursuant to N.C.G.S. 160A-17.1, the City is authorized to make applications to apply for and to make contracts to accept grants and loans from other governments and their agencies; and

WHEREAS, the City of Asheville desires to apply for and accept funding if awarded for FY17 Competitive Funding Opportunity; Grants for Buses and Bus Facilities Infrastructure Investment Program, Section 5339; and

WHEREAS, the City of Asheville has identified the renovation of the Transit Center as a project that would include the allocated funding from FY17 Competitive Funding Opportunity; Grants for Buses and Bus Facilities Infrastructure Investment Program, Section 5339; and

WHEREAS, the City of Asheville would like to use these funds for the Transit Station Renovation project;

WHEREAS, a portion of the required City match for this grant ($25,000) would come from Green Savings and the remaining match amount of $200,000 would come from General Fund balance as assigned to the Infrastructure Reserve;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville hereby authorizes the City Manager to apply for and accept if awarded the Federal Fiscal Year 2017 Section 5339 formula funds in the amount of $1,500,000 to be used for the "Transit Station Renovation" project and sign and execute any and all documents approved by the City Attorney, between granting agencies and the City to accept the grant.

Read, approved and adopted this the 22nd day of August 22, 2017.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-190

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROGERS GROUP, INC. FOR THE MARTIN LUTHER KING, JR DRIVE PAVEMENT AND SIDEWALK IMPROVEMENTS, CITY OF ASHEVILLE, PROJECT # X-1710

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Martin Luther King Jr Road Improvement Project, City of Asheville Project #X-1710; and

WHEREAS Rogers Group, Inc. of Nashville, TN was the lowest responsible bidder for the project; and

WHEREAS Roger Group, Inc. shall provide all labor, materials and equipment for the removal and installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps, Sidewalk Improvements and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $2,909,620.75 and the monies have been budgeted in the General Obligation Bonds; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $2,530,105 plus a contingency $379,515.75 (15%) with Rogers Group, Inc. for the Martin Luther King Jr. Drive Pavement and Sidewalk Improvements Project, City of Asheville Project # X-1710.

Read, approved and adopted this the 22nd day of August, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 17- 191

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ADC ENGINEERING FOR THE PROJECT KNOWN AS ASHEVILLE PARKS SPORT COURT UPGRADES/RENOVATIONS BOND PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City to award a contract to ADC Engineering for the design services for the Asheville Parks Sport Court Upgrades/Renovations Bond Project; and

WHEREAS, ADC Engineering was chosen through a qualifications based selection process as the most qualified to perform the design services; and

WHEREAS, ADC Engineering presented a scope of work and fee proposal for professional services associated with the Asheville Parks Sport Court Upgrades/Renovations Bond Project and will provide full design services, bidding administration, and contract administration/reporting; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with ADC Engineering to provide design services for Asheville Parks Sport Court Upgrades/Renovations Bond Project for an amount not to exceed $148,000, and further authorizing the execution of any contract amendments up to 10% ($14,800) above of the contract price , which may arise during execution of said project.

Read, approved and adopted this the 22th day of August, 2017.

Magdalen Burleson
City Clerk

Approved as to form:

City Attorney

Mayor

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-192

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES SUPPLEMENTAL AGREEMENT WITH CDM SMITH, INC., FOR THE MILLS RIVER WATER TREATMENT PLANT MISCELLANEOUS UPGRADES PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for on-call professional services projects and CDM Smith Inc. was one of the firms chosen to provide professional engineering services for various water projects and a Master Agreement was entered into with CDM Smith, Inc.; and

WHEREAS, the City wishes to execute a supplemental agreement with CDM Smith, Inc. to perform professional engineering services for the Mills River Water Treatment Plant Miscellaneous Upgrades Project for the proposed amount of $216,000.00 plus a contingency amount of $10,000.00 for a total project budget in the amount of $226,000.00; and

WHEREAS, the project will be funded from the Water Resources Capital Improvement Projects Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Engineering Services Supplemental Agreement with CDM Smith, Inc., for the proposed amount of $216,000 plus a contingency amount of $10,000 for a total project budget in the amount of $226,000 for the Mills River Water Treatment Plant Miscellaneous Upgrades Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-193

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Sharon Trammel has resigned as a member of the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Ali McGhee, 353 Dingle Creek Lane, , Asheville, N.C., be and she is hereby appointed, as a member of the Public Art & Cultural Commission, to serve the unexpired term of Ms. Trammel, term to expire June 30, 2018, or until her successor has been appointed.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-194

RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, Bridget Herring has resigned from the Commission, thus leaving an unexpired term until December 31, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Anna Priest, 40 Walton Street, Asheville, N.C., be and she is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve the unexpired term of Ms. Herring, term to expire December 31, 2019, or until her successor has been appointed.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bowerson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowerson
City Clerk

100

RESOLUTION 17-195

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, and an Amendment Number One to the Installment Financing Contract dated as of June 1, 2016 (*"Amendment Number One"*) between the Corporation and the City;

WHEREAS, the proceeds related to the 2012 Contract were used by the City to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities (each of the projects described above financed and refinanced with the proceeds related to the 2012 Contract are referred to herein as the "*2012 Projects*");

WHEREAS, the proceeds related to entering into the Contract, as amended by Amendment Number One, were used by the City to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities, a complete list of which is available in the City Clerk's office (the *"2016 Projects"* and collectively with the 2012 Projects, the *"Projects"*);

WHEREAS, the City Council of the City (the *"City Council"*) hereby determines that it is in the best interest of the City to enter into a second amendment to the 2012 Contract (*"Amendment Number Two"* and together with the 2012 Contract and Amendment Number One, the *"Contract"*) with the Corporation in order to refinance the costs of a portion of the 2016 Projects (the remaining portion of the 2016 Projects are expected to be refinanced by the City through the issuance of special obligation bonds);

WHEREAS, the City Council has been advised that the City may be able to achieve debt service savings by refinancing a portion of the 2012 Projects;

WHEREAS, in order to secure its obligations under the Contract, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012, as amended by a Notice of Extension and Amendment to Deed of Trust dated as on June 1, 2016 (collectively, the *"Deed of Trust"*), on the real property on which City Hall, the City's Public Works Facility and the City's Municipal Building is located;

WHEREAS, to facilitate the refinancing on the terms most desirable to the City, the Corporation will execute and deliver Limited Obligation Bonds to provide the funds to refinance the applicable portion of the 2016 Projects and, to the extent the City can achieve debt service savings, a portion of the 2012 Projects;

WHEREAS, the City Council hereby determines to (1) retain Parker Poe Adams & Bernstein LLP, as bond counsel (*"Bond Counsel"*), (2) retain DEC Associates, Inc., as financial advisor, (3) retain Merrill Lynch, Pierce, Fenner & Smith Incorporated, as managing underwriter (the *"Underwriter"*), (4) approve the Underwriter's selection of Womble Carlyle Sandridge & Rice, LLP, as underwriter's counsel and (5) retain Branch Banking and Trust Company, as trustee (the "*Trustee*"), in connection with the execution of Amendment Number Two and the related Limited Obligation Bonds (collectively, the "*Financing Team*"); and

WHEREAS, the City Council has previously determined and hereby determines that the Projects are essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the Projects provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into Amendment Number Two is necessary and expedient for the City by virtue of the findings presented herein; and

WHEREAS, the City Council hereby determines that the Contract, including Amendment Number Two, allows the City to refinance a portion of the Projects and take title thereto at favorable interest rates currently available in the financial marketplace and on terms advantageous to the City; and

WHEREAS, the City Council hereby determines that the estimated cost of refinancing the applicable portion of the Projects is an amount not to exceed $31,200,000.00 and that such cost of refinancing the applicable portion of the Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State; and

WHEREAS, although the cost of refinancing a portion of the Projects pursuant to the Contract, including Amendment Number Two, is expected to exceed the cost of refinancing the Projects pursuant to a bond financing for the same undertaking, the City Council hereby determines that the cost of refinancing the applicable portion of the Projects pursuant to the Contract, including Amendment Number Two, and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of refinancing the Projects; and (3) insufficient revenues are produced by the Projects so as to permit a revenue bond financing; and

WHEREAS, the City Council hereby determines that the estimated cost of refinancing a portion of the Projects pursuant to the Contract, including Amendment Number Two, reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles; and

WHEREAS, the City does not anticipate a future property tax increase to pay installment payments falling due under the Contract as a result of entering into Amendment Number Two; and

WHEREAS, Bond Counsel will render an opinion to the effect that entering into Amendment Number Two and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the *"LGC"*), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies; and

WHEREAS, a public hearing on entering into Amendment Number Two after publication of a notice with respect to such public hearing will be held by the City Council on September 12, 2017 and approval of the LGC with respect to entering into Amendment Number Two must be received;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Authorization to Negotiate Amendment.*** That the City Manager and the Chief Financial Officer, individually or collectively, with advice from the City Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City for the refinancing of a portion of the 2016 Projects and, to the extent the City can achieve debt service savings, a portion of the 2012 Projects, under the Contract, including Amendment Number Two, for a principal amount not to exceed $31,200,000.00 and for entering into Amendment Number Two in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

Section 2. ***Application to LGC.*** That the Chief Financial Officer or her designee is hereby directed to file with the LGC an application for its approval of Amendment Number Two and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 3. ***Direction to Retain Professionals.*** The use of the Financing Team in connection with the City's execution of Amendment Number Two and the related Limited Obligation Bonds is hereby approved and ratified. The Chief Financial Officer is hereby authorized to retain such other professionals as she deems necessary in her judgment to carry out the transaction contemplated in this Resolution.

Section 4. ***Public Hearing.*** That a public hearing (the *"Public Hearing"*) shall be conducted by the City Council on September 12, 2017 at or about 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina, concerning entering into Amendment Number Two and refinancing the Projects. The City Clerk is hereby directed to cause a notice of the Public Hearing, in the form attached hereto as Exhibit A, to be published at least once in a qualified newspaper of general circulation within the City no fewer than 10 days prior to the Public Hearing.

Section 5. ***Other Acts Authorized.*** That the Mayor, the City Manager, the Deputy City Manager, the City Attorney, the Chief Financial Officer and the City Clerk are hereby authorized, individually and collectively, to do any and all other things necessary to complete the steps necessary for the execution and delivery of Amendment Number Two and the transactions described in this Resolution.

Section 6. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 7. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Pauleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

City Attorney

Magdalen Pauleson
City Clerk

EXHIBIT A
NOTICE OF PUBLIC HEARING

The City of Asheville, North Carolina (the "City") has previously entered into an installment financing contract in 2012 (the "2012 Contract") for the purpose of financing and refinancing various projects in the City (the "2012 Projects"). The City entered into an amendment to the 2012 Contract in 2016 for the purpose of financing various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the "2016 Projects"). A complete list of the 2016 Projects is available in the City Clerk's office. The City Council of the City (the "City Council") is considering entering into a second amendment ("Amendment Number Two") to the 2012 Contract (the 2012 Contract, as previously amended and amended by Amendment Number Two is the "Contract"), pursuant to Section 160A-20 of the General Statutes of North Carolina, in a principal amount not to exceed $31,200,000.00, under which the City will make certain installment payments, in order to refinance a portion of the 2016 Projects and, to the extent the City can achieve debt service savings, a portion of the 2012 Projects. In connection with the Contract, the City has granted a deed of trust and security agreement (the "Deed of Trust") under which the site of City Hall, the City's Public Works Facility and the City's Municipal Building, and the improvements thereon, have been mortgaged by the City to create a lien thereon for the benefit of the entities, or their assigns, providing the funds to the City under the Contract. City Hall is located at 70 Court Plaza, the Public Works Facility is located at 161 S. Charlotte Street and the Municipal Building is located at 100 Court Plaza, each in Asheville, North Carolina. On payment by the City of all installment payments due under the Contract, including Amendment Number Two and any further amendments of the Contract, the Deed of Trust and any lien created thereunder will terminate and the City's title to the mortgaged property will be unencumbered. The City expects that it will execute future amendments under the Contract to finance and refinance other projects of the City.

In order to refinance the remaining portion of the 2016 Projects that is not refinanced by entering into Amendment Number Two, the City Council is also considering issuing special obligation bonds pursuant to Sections 159I-30 of the General Statutes of North Carolina. The special obligation bonds will be secured by and payable from certain revenues of the City, including the receipts from sales taxes and state utility taxes, but will not constitute a pledge of the City's taxing power.

NOTICE IS HEREBY GIVEN that on September 12, 2017 at or about 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina, a public hearing will be conducted by the City Council concerning the approval of the execution and delivery of Amendment Number Two and the City's refinancing of the 2016 Projects and the 2012 Projects. All interested parties are invited to present comments at the public hearing.

/s/ Magdalen Burleson
City Clerk
City of Asheville, North Carolina

RESOLUTION 17-196

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF SPECIAL OBLIGATION BONDS AND CERTAIN RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has previously financed through the execution of an installment financing the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities, a complete list of which is available in the City Clerk's office (the *"2016 Projects"*);

WHEREAS, a portion of the 2016 Projects are in municipal service districts created by the City pursuant to Article 23 of Chapter 160A of the General Statutes of North Carolina;

WHEREAS, the City Council of the City (the *"City Council"*) hereby determines that it is in the best interest of the City to issue its special obligation bonds (the *"Special Obligation Bonds"*), as permitted by Section 159I-30 of the General Statutes of North Carolina, to refinance a portion of the 2016 Projects that are located in municipal service districts (the remaining portion of the 2016 Projects are expected to be refinanced by the City through an installment financing);

WHEREAS, the City Council hereby further determines that each of the 2016 Projects to be refinanced with the Special Obligation Bonds are or will be located in a municipal service district that is either the central city or downtown area or an urban area that consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses or any combination of these uses;

WHEREAS, the City Council hereby further determines that each of the 2016 Projects to be refinanced with the Special Obligation Bonds to further the public health, safety, welfare, convenience, and economic well-being of the citizens of the municipal service district in which they are located;

WHEREAS, the City Council is considering the issuance of the Special Obligation Bonds in an aggregate principal amount not to exceed $20,000,000.00;

WHEREAS, the City Council hereby determines to (1) retain Parker Poe Adams & Bernstein LLP, as bond counsel, (2) retain DEC Associates, Inc., as financial advisor, (3) retain Merrill Lynch, Pierce, Fenner & Smith Incorporated, as managing underwriter (the *"Underwriter"*), and (4) approve the Underwriter's selection of Womble Carlyle Sandridge & Rice, LLP, as underwriter's counsel, in connection with the issuance by the City of the Special Obligation Bonds (collectively, the "*Financing Team*"); and

WHEREAS, the City Council wants the Chief Financial Officer of the City (1) to file with the North Carolina Local Government Commission (the *"LGC"*) an application for its approval of the Special Obligation Bonds, on a form prescribed by the LGC, (2) to request in such application that the LGC approve (a) the negotiation of the sale of the Special Obligation Bonds to the Underwriter and (b) the Financing Team, (3) to state in such application such facts and to attach thereto such exhibits in regard to the Special Obligation Bonds and to the City and its financial condition, as may be required by the LGC, and (4) to take all other action necessary for the issuance of the Special Obligation Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Purpose of Special Obligation Bonds.*** That the Special Obligation Bonds are to be issued by the City for the purpose of providing funds (1) to refinance the costs of a portion of the 2016 Projects located in municipal service districts in the City and (2) to pay the costs of issuing the Special Obligation Bonds, as set out fully in the documents attached to the City's application to the LGC. The use of the proceeds of the Special Obligation Bonds, as described, is necessary in order to provide long-term refinancing for downtown revitalization projects and urban area revitalization projects.

Section 2. ***Direction to Retain Professionals.*** That the use of the Financing Team in connection with the City's issuance of the Special Obligation Bonds is hereby approved and ratified. The Chief Financial Officer is hereby authorized to retain a financial institution to serve as trustee for the Special Obligation Bonds and such other professionals as she deems necessary in her judgment to carry out the transaction contemplated in this Resolution.

Section 3. ***Application to LGC.*** That the Chief Financial Officer of the City, with advice from the City Manager, the City Attorney and Bond Counsel, is hereby authorized, directed and designated to file an application with the LGC for its approval of the issuance of the Special Obligation Bonds.

Section 4. ***Sale to Underwriter.*** That the City Council requests that the LGC sell the Special Obligation Bonds through negotiation to the Underwriter on such terms as may be agreed on but at a true interest cost not exceeding 5.00%.

Section 5. ***Findings required by LGC.*** That the City Council finds and determines and asks the LGC to find and determine from the City's application and supporting documentation:

(a) that the issuance of the Special Obligation Bonds is necessary or expedient;

(b) that the not to exceed stated principal amount of the Special Obligation Bonds will be sufficient but is not excessive, when added to other moneys available to the City, for the proposed refinancing of a portion of the 2016 Project;

(c) that the 2016 Projects are feasible;

(d) that the City's debt management procedure and policies are good; and

(e) that the Special Obligation Bonds can be marketed at a reasonable interest cost to the City.

Section 6. ***Other Acts Authorized.*** That the Mayor, the City Manager, the Deputy City Manager, the City Attorney, the Chief Financial Officer and the City Clerk are hereby authorized, individually and collectively, to do any and all other things necessary to complete the steps necessary for the issuance of the Special Obligation Bonds.

Section 7. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 8. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bouleson
City Clerk

Edna E. Mader
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 17- 197

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH ASHEVILLE GROWN BUSINESS ALLIANCE, US CELLULAR CENTER, LATINO ADVOCACY COALITION, BUNCOMBE PARTNERSHIP FOR CHILDREN, SKUNK TRUNK, LAND OF THE SKY ASSOCIATION OF REALTORS, SNOOK THEATRE, MT. ZION MISSIONARY BAPTIST CHURCH AND PEOPLE'S PARK FOUNDATION FOR FEE WAIVERS FOR POP-UP PROGRAMMING AT 68 HAYWOOD STREET TO TAKE PLACE BETWEEN AUGUST 2017 AND DECEMBER 2018

WHEREAS, the City of Asheville has established a framework by which organizations and the City of Asheville can facilitate pop-up activities at 68 Haywood Street in alignment with implementation of City Council's 2036 Vision;

WHEREAS, the City of Asheville acknowledges the value in programming that promotes a connected and engaged community, a thriving local economy and can inform a well-planned and livable community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is authorizing an estimated value of $23,914 in fees to be waived to support temporary programming at 68 Haywood Street for programs organized by Asheville Grown Business Alliance, U.S. Cellular Center, Latino Advocacy Coalition, Buncombe Partnership for Children, Skunk Trunk, Land of the Sky Association of Realtors, Snook Theatre, Mt. Zion Missionary Baptist Church and People's Park Foundation.

2. Fees to be waived for by the City for temporary programming at 68 Haywood Street are limited to property use fees, permit fees and other administrative fees.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 17- 198

RESOLUTION APPROVING THE ALLOCATION OF $10 MILLION OF AFFORDABLE HOUSING GENERAL OBLIGATION BOND FUNDS

WHEREAS, voters in the City of Asheville approved $25 million in Affordable Housing General Obligation Bond funds in November, 2016; and

WHEREAS, City Council allocated $10 million of the $25 million available to direct project investment in affordable housing; and

WHEREAS, City Council further recommends, upon issuance of the General Obligation Housing Bond, the $10 million be allocated to the following activities:

Proposed Allocation of Funds for Direct Investment in Affordable Housing	**Funding**	**Unit Goal**	**Average Per Unit**
Housing Trust Fund	$5,000,000	250	$20,000
Land Banking	$3,000,000	150	$20,000
CLT Start-up	$1,000,000	35	$20,000
Down-Payment Assistance	$1,000,000	50	$20,000
	$10,000,000	485	

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to create a program of work for the affordable housing activities outlined above.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

110

RESOLUTION NO. 17-199

RESOLUTION REPEALING CITY OF ASHEVILLE RESOLUTION 95-59

WHEREAS, on July 26, 1990, the United States Congress enacted Public Law 101-336, entitled The Americans with Disabilities Act(the "ADA"); and

WHEREAS, the ADA is Federal legislation which prohibits discrimination against individuals with covered disabilities in the areas of employment, public accommodations, State and local government services and programs and telecommunications; and

WHEREAS, the City of Asheville, as a local government, is required to comply with Title II or the ADA (Services, Programs, or Activities, Including Public Transportation and Facilities); and

WHEREAS, on April 18, 1995, the City of Asheville adopted Resolution 95-59 entitled "Americans with Disabilities Act Grievance Procedure for City of Asheville"; and

WHEREAS, that the procedure set out in Resolution 95-59 is in need of updating to reflect current best practices; and

WHEREAS, the City Manager's Office is prepared to replace that procedure with a new administrative policy that reflects best practices and complies with Title II of the ADA;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City of Asheville Resolution 95-59, entitled "Americans with Disabilities Act Grievance Procedure for City of Asheville," dated April 18, 1995, is hereby repealed.

2. All citizen grievances regarding compliance with the ADA, or any other matter related to the City's obligations under Title II of the ADA, will be governed by procedures set out in an administrative policy by the City Manager.

Read, approved, and adopted this 22nd day of August, 2017.

Magdalen Bowlson
City Clerk

Edwin G. Marcus
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 17-200

RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, the terms of Laura Collins, Jayden Gurney and Barry Bialik, as members on the Affordable Housing Advisory Committee, expires on September 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Dewana Little, 14-C Erskine Street, Asheville, N.C., be and she is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve a three year term, term to expire September 1, 2020, or until her successor has been appointed.

(2) Mr. Barry Bialik, Post Office Box 475, Skyland, N.C. be and he is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve a three year term, term to expire September 1, 2020, or until his successor has been appointed.

(3) Mr. Parker Smith, 69 Elizabeth Street, Asheville, N.C., be and he is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve a three-year term, term to expire September 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

112

RESOLUTION NO. 17-201

RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the term of Till Dohse (at- large representative), as a member on the Multimodal Transportation Commission, expired on July 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Randy Warren, 29 Forestdale Drive, Asheville, N.C., be and he is hereby appointed, as a member of the Multimodal Transportation Commission (at-large representative) to serve a three-year term, term to expire July 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 22nd day of August, 2017.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 17-202

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WILDE ACRE LANDSCAPES, INC. FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE NORTH AND EAST ONE DISTRICTS IN ASHEVILLE; AND RENEW THE CONTRACT FOR ONE ADDITIONAL YEAR BASED ON CONTRACTOR'S PERFORMANCE AND AVAILABLE BUDGET

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville in the Parks and Recreation Department contracts ground maintenance services at various parks, greenways and facilities, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, in 2016 the City issued an Advertisement for Bids for ground maintenance services within the districts that comprise the City's park system to include mowing, trim and edge, and leaf and debris removal; and contracted with four ground maintenance contractors in a one-year contract with the option to renew for two consecutive years; and

WHEREAS, in preparation to renew the second year of a three-year contract, the contractor for the North and East One districts declined to renew its contract.; and

WHEREAS, in 2017 the City re-issued an Advertisement for Bids for ground maintenance services in the North and East One districts; and

WHEREAS, Wilde Acre Landscapes, Inc. was selected as the lowest, responsible bidder as part of the Advertisement for Bid process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to 1) enter into an one-year contract with Wilde Acre Landscaping, Inc. for grounds maintenance services in various parks, greenways and facilities in the North and East One districts in the amount of $93,600; and 2) exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Bulleson
City Clerk

Edwin E. Marcus
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

114

RESOLUTION NO. 17-203

RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The formal meeting of the Asheville City Council scheduled for Tuesday, September 26, 2017, is hereby cancelled and rescheduled to Tuesday, October 3, 2017.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 17 – 204

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SAM SCHWARTZ CONSULTING, LLC TO PROVIDE CONSULTING AND ENGINEERING SERVICES TO EVALUATE AND ADVISE CITY COUNCIL ON THE DESIGN OF THE I-26 CONNECTOR PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the N.C. Dept. of Transportation (NCDOT) is currently preparing the Final Environmental Impact Statement (FEIS) for the I-26 Connector project; and

WHEREAS, the NCDOT and the City of Asheville formed a working group that has met nine times during the past year to identify and discuss various design tweaks and betterments; and

WHEREAS, the City of Asheville needs planning and design expertise to continue the process; and

WHEREAS, the City of Asheville needs assistance to go through the aesthetics process; and

WHEREAS, the City issued an RFQ on June 21, 2017 that emphasized expertise regarding urban design, land planning, redevelopment and aesthetics and of the two proposals received, Sam Schwartz Consulting, LLC was selected as most qualified;

NOW, THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract with Sam Schwartz Consulting, LLC to provide consulting and engineering services to evaluate and advise City Council on the design of the I-26 Connector project.

Read, approved, and adopted this 12th day of September, 2017.

Magdalen Burleson
City Clerk

Edwin G. Monk
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

116

RESOLUTION NO. 17-205

RESOLUTION APPROVING A SECTION 3 POLICY FOR THE CITY OF ASHEVILLE IN COMPLIANCE WITH HUD REQUIREMENTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP FUNDS

WHEREAS, pursuant to N.C.G.S. 160A-456, the City is authorized to engage in and accept federal funds for community development programs and activities including programs concerned with the employment and economic needs of persons of low and moderate income; and

WHEREAS, the City of Asheville is the Participating Jurisdiction for Community Development Block Grant and HOME Investment Partnership Funds for the City of Asheville and the Asheville Regional Housing Consortium; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires the City of Asheville to maintain a Section 3 Policy to comply with 24 CFR, part 135;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby approves the City of Asheville Section 3 Policy for Community Development Block Grant and HOME Investment Partnership Funds.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-206

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ENTER INTO AN AGREEMENT WITH THE U.S. DEPT OF JUSTICE FOR THE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for grants and to enter into contracts for the administration of said grants; and

WHEREAS, the US Department of Justice (DOJ), has awarded the City of Asheville the amount of $ 54,574 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) programs to pay for overtime and equitable distribution of funds to Buncombe County Sheriff's Office (BCSO);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the US Department of Justice, for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $54,574. APD will spend $43,975 to pay for overtime, while BCSO will be awarded $10,599.

Read, approved, and adopted this 12th day of September, 2017

Magdalen Bullion
CITY CLERK

Esther G. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bullion
City Clerk

118

RESOLUTION NO. 17-207

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TINDALE OLIVER FOR CONSULTING SERVICES FOR THE CITY'S TRANSIT MASTER PLAN

WHEREAS, the City of Asheville has the authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City's existing Transit Master Plan is outdated and needs to be updated to guide future transit planning and development; and

WHEREAS, the proposed services were solicited via a Request for Proposals (RFP) and Tindale Oliver was recommended by the Evaluation Committee as the highest ranked firm; and

WHEREAS, the amount of the agreement is $115,161 and the monies have been budgeted in the Transit fund operating budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City Manager is hereby authorized to enter into an agreement with Tindale Oliver for development of a Transit Master Plan in the amount of $115,131 and further authorized to execute any change orders to said contract or documents which may arise up to the budgeted amount.

Read, approved and adopted this 12th day of September 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 17- 208

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL ON THE DATE OF SATURDAY, SEPTEMBER 16, 2017 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Brewgrass Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Brewgrass Festival event area, as set forth in Exhibit A, attached.

   The Brewgrass Festival event area is within the boundaries of Memorial Stadium located at 32 Buchanan Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Brewgrass Festival on Saturday, September 16, 2017 from 12:00 a.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Brewgrass Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Brewgrass Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Brewgrass Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Bouleson
CITY CLERK

Edwin E. Mura
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

EXHIBIT A

122

RESOLUTION NO. 17- 209

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ROOT BALL ON THE DATE OF SATURDAY, SEPTEMBER 23, 2017 FROM 6:30 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Root Ball.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Root Ball event area, as set forth in Exhibit A, attached.

   The Root Ball event area is within the interior building exterior boundaries of the City-owned property located at 14 Riverside Drive.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Root Ball on Saturday, September 23, 2017 from 6:30 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Root Ball event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Root Ball event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Root Ball, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Bouleson
CITY CLERK

Edna E. Mz
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson

EXHIBIT A

Sulzer Dowding & Mills
Kyle Carpenter
Studio Pottery
Riverside Dr
14 Riverside Drive
Riverside Dr
River Arts District

RESOLUTION NO. 17- 210

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST ON THE DATE OF SATURDAY, OCTOBER 7, 2017 FROM 1:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville Oktoberfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Oktoberfest event area, as set forth in Exhibit A, attached.

   The Asheville Oktoberfest event area is within the boundaries of the Roger McGuire Green at Pack Square Park, South Spruce Street between the intersections of College Street and Court Plaza, and the City-County parking lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Oktoberfest on Saturday, October 7, 2017 from 1:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Oktoberfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Oktoberfest event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Oktoberfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Bulleson
CITY CLERK

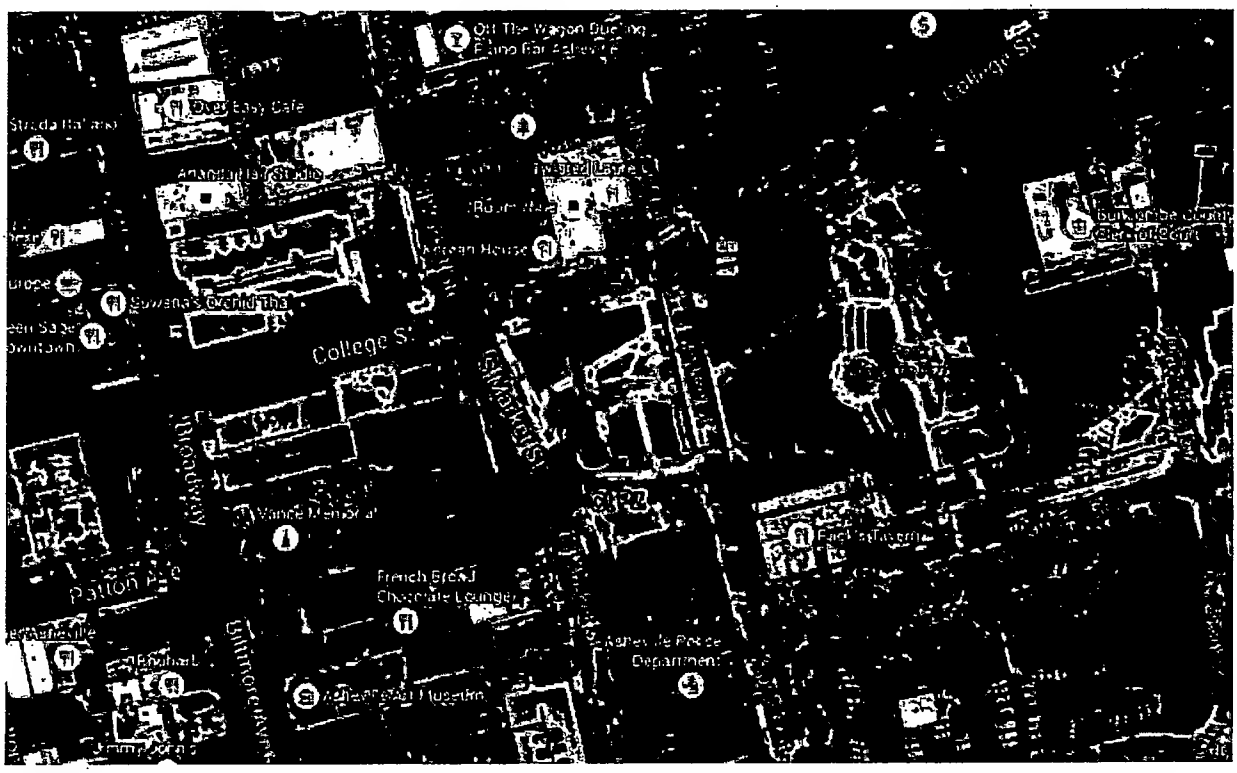
Edwin E. Marks
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson

EXHIBIT A


College St
Patton Ave
Vance Memorial
French Bread
Chocolate Lounge
Asheville Police
Department
Asheville Art Museum
Grove Arcade
Public Market
Pack Square
Park
Battery Park
Book Exchange
Cafe
Orange Peel
Courthouse
Annex
Buncombe County
Courthouse
Courthouse
Annex
Jewelry Lane
Room
Asian House
Amantha's Studio
Studio Hair
Dave's Easy Cafe
Off The Wagon Bowling
Piano Bar Restaurant
Gouvena's Orchid Tha
Europe
Pack Square
Park
Public Library
Asheville
Asheville
Asheville

128

RESOLUTION NO. 17- 211

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST ON THE DATE OF SUNDAY, JUNE 10, 2018 FROM 11:00 AM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, Ordinance 4595 adopted by Council on July 25, 2017 permits sale of alcohol on Sundays beginning at 11:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville VeganFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville VeganFest event area, as set forth in Exhibit A, attached.

   The Asheville VeganFest event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville VeganFest on Sunday, June 10, 2018 from 11:00 a.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of

and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville VeganFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville VeganFest event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville VeganFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Bullion
CITY CLERK

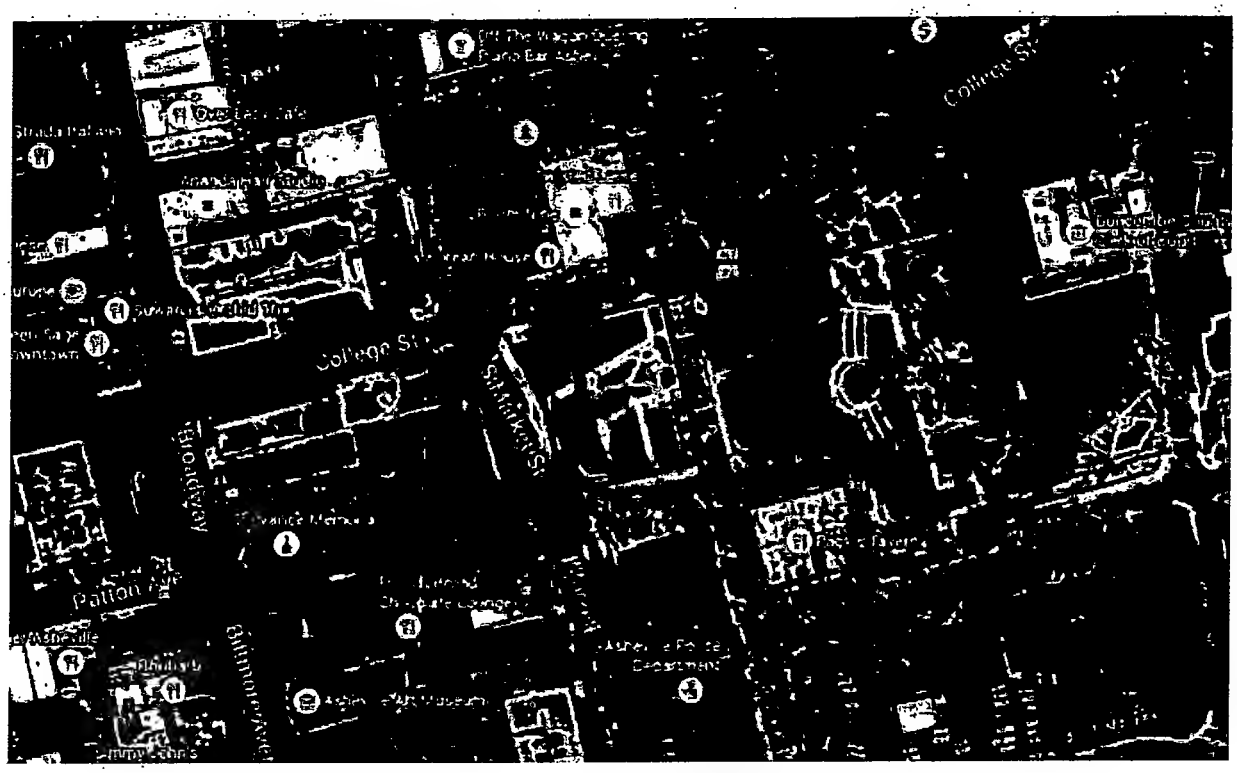
Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

EXHIBIT A



RESOLUTION NO. 17-212

RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT PARTNERSHIP WITH THE ASHEVILLE BUNCOMBE REGIONAL SPORTS COMMISSION FOR THE HAUTE ROUTE

WHEREAS, the Asheville Buncombe Regional Sports Commission (The Sports Commission) is submitting a proposal to host the Haute Route, an international cycling event that proposes to attract significant exposure and economic impact for the City of Asheville; and

WHEREAS, City Council has been requested to consider establishing a multi-year, performance-based partnership agreement with the Sports Commission for the Haute Route; and

WHEREAS, post-event reports and an economic impact study will be conducted by the Sports Commission and used as measurement tools to evaluate outcomes in the areas of economic impact/job creation leads and job growth; and

WHEREAS, The Sports Commission has requested an Economic Development Partnership Agreement with the City for the community and economic development benefit of the production of Haute Route in Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to sign a three-year, performance based economic development partnership agreement between the City of Asheville and the Sports Commission for Haute Route, with a commitment of in-kind support not to exceed $10,000/year in value if selected as a host city pursuant to the proposal submitted by the Sports Commission.

Read and approved and adopted this 12th day of September, 2017.

Magdalen Bowlesson
CITY CLERK

Edwin C. Hunt
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson

132

RESOLUTION NO. 17 - 213

RESOLUTION ACCEPTING SOULSHINE COURT AS A CITY STREET

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over all public streets within its jurisdiction, including the power to acquire streets through dedication and acceptance; and

WHEREAS, Soulshine Court is located within the corporate limits of the City of Asheville; and

WHEREAS, Soulshine Court has been offered for dedication to the City for public use; and

WHEREAS, Soulshine Court was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Soulshine Court including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the right-of-way width of 45 feet for Soulshine Court has been recorded in Plat Book 140 Page 105;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville accepts Soulshine Court as a City Street, as indicated on the attached map section.

Read, approved and adopted this 12th day of September, 2017.

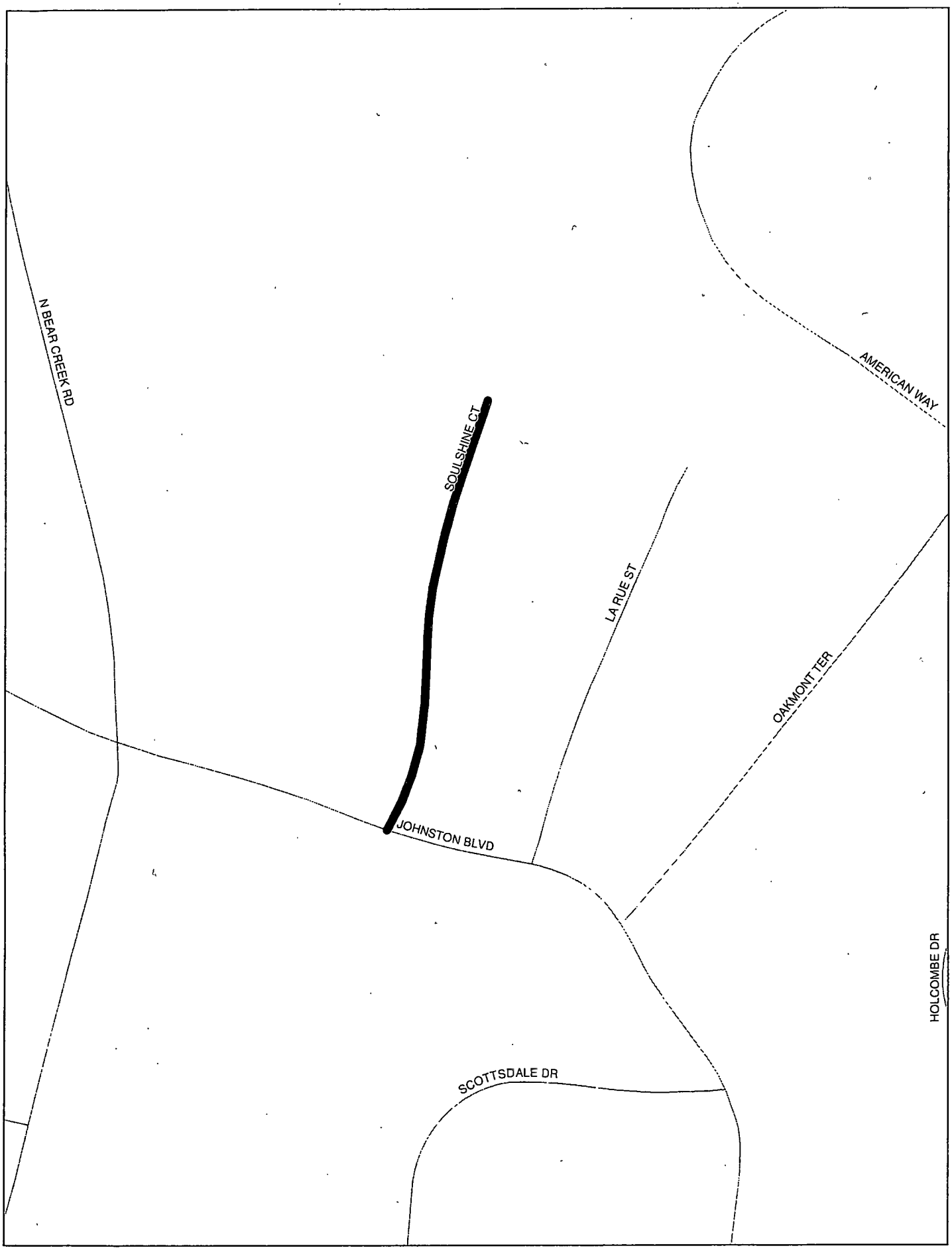
Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk


N BEAR CREEK RD
AMERICAN WAY
SOULSHINE CT
LA RUE ST
OAKMONT TER
JOHNSTON BLVD
HOLCOMBE DR
SCOTTSDALE DR

134

RESOLUTION NO. 17-214

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CALIBRE SYSTEMS, INC. FOR PROFESSIONAL SERVICES RELATED TO THE FACILITIES CONDITION ASSESSMENT AND DIAGNOSTIC STUDY

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville desires to undertake a Facilities Condition Assessment and Diagnostic Study and the proposed professional services are necessary to perform the proposed study; and

WHEREAS, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with the best qualified firm, CALIBRE Systems, Inc.; and

WHEREAS, the amount of the Agreement for Professional Services is $270,484.40 and the monies have been budgeted in the General Fund in the 2016-17 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with CALIBRE Systems, Inc. in the amount of $270,484.40 for professional services related to the Facilities Condition Assessment and Diagnostic Study and further authorized to execute any change orders to said contract or documents which may arise during performance of said study up to the budgeted amount.

Read, approved and adopted this the 12th day of September, 2017.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 17-215

RESOLUTION GRANTING THE CONVEYANCE OF 565 SQUARE FEET OF PERMANENT EASEMENT FOR ROOF LINE EXTENSIONS IN THE CITY RIGHT OF WAY AND PROPOSING TO ACCEPT AN OFFER FOR SALE OF 164 SQUARE FEET OF AIR RIGHTS AT 15 PAGE AVENUE TO FIRC HAYWOOD PARK HOLDINGS LLC, LLC; DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF AIR RIGHTS; AND, IF NO OTHER BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY THE EASEMENT AND AIR RIGHTS

WHEREAS, the City of Asheville owns certain property adjacent to 15 Page Avenue, being a sidewalk within the right of way of Page Avenue, Battery Park Avenue and the alley behind the building; and

WHEREAS, pursuant to North Carolina General Statues Section 160A-273, the City has the authority to grant air rights, subject to an upset bid sales process, and to grant easements over public rights-of-way for the purpose of erecting a building or other permanent structure; and

WHEREAS, the City's Public Works Director has determined that the granting of the requested easements in the public right of way will not substantially impair or hinder the street as a passageway in compliance with N.C.G.S. 160A-273; and

WHEREAS, on September 1, 2017, a qualifying offer was received from FIRC Haywood Park Holdings LLC to purchase 164 square feet of air space on a building at Page Avenue and Battery Park Avenue that has been constructed , in the amount of $1,472.00; and

WHEREAS, FIRC Haywood Park Holdings LLC has requested a permanent subsurface easement measuring 565 square feet within the aforementioned right of way to accommodate existing subsurface footings and the City will grant this easement for compensation based on land value; and

WHEREAS, City Council of the City of Asheville proposes to accept the offer for the sale of air rights subject to the upset bid procedure pursuant to North Carolina General Statute 160A-269;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to convey subsurface easements to FIRC Haywood Park Holdings, LLC for 565 square feet located within the City's right-of-way adjacent to property located at 15 Page Avenue for the amount of $25,425.

The City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 164 square feet of air rights located at 15 Page Avenue to FIRC Haywood Park Holdings LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $1,472. Per the statute, the Council may at any time reject any and all offers and;

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to FIRC Haywood Park Holdings, LLC.

Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney to include both the air rights and permanent easement at Park Avenue and Battery Park Avenue, in compliance with applicable North Carolina law to FIRC Haywood Park Holdings, LLC.

Read and approved and adopted this 12th day of September, 2017.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17-216

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MAIL MANAGEMENT SERVICES, LLC TO PROVIDE MAIL MANAGEMENT SERVICES TO THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statues to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville provides municipal services to more than 60,000 accounts; and desires to contract with Vendor to provide mail management services for the City; and

WHEREAS, the City of Asheville issued a Request for Proposals and deemed the proposal submitted by Mail Management Services, LLC as the highest-rated proposal; and

WHEREAS, the contract amount for the current fiscal year is $317,000 and the monies have been budgeted in the General Fund and Enterprise Funds in the FY 2017-18 Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to contract with Mail Management Services, LLC in an amount of $317,000 to provide mail services for the City of Asheville and further authorized to execute any change orders to said contract or documents which may arise during performance of said work up to the budgeted amount.

Read, approved and adopted this the 12th day of September, 2017.

Magdalen Bowlson
City Clerk

Esm Q. Mun
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 17-217

RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, the terms of Randall Barnett and M. Mae Creadick, as members on the Affordable Housing Advisory Committee, expires on September 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Leslie Hennessee, 13 Harmon Circle, Asheville, N.C., be and she is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve a three year term, term to expire September 1, 2020, or until his successor her been appointed.

(2) Mr. Randall Barnett, 21 Westchester Drive, Asheville, N.C., be and he is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve an additional three year term, term to expire September 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-218

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Mr. Zachary Eden has resigned from the Recreation Board, thus leaving an unexpired term until June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Jeff Luttrell, 77 5th Avenue, Asheville, North Carolina, be and he is hereby appointed as a member to the Recreation Board to serve the unexpired term of Mr. Eden, term to expire June 30, 2018, or until his successor has been appointed.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Bowlesson
CITY CLERK

Esmeralda Newton
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

140

RESOLUTION NO. 17-219

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the term of John Ellis, as a member of the Buncombe County Tourism Development Authority, (individual who is involved in the tourist business and who has demonstrated an interest in tourism development but who does not own or operate a hotel, motel or other taxable tourist accommodation), will expire on August 30, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Andrew Celwyn, 6 Laurel Avenue, Asheville, N.C., be and he is hereby appointed, as a member of the Buncombe County Tourism Development Authority (as the individual who is involved in the tourist business and who has demonstrated an interest in tourism development but who does not own or operate a hotel, motel or other taxable tourist accommodation), to serve a three year term, term to expire August 30, 2020, or until his successor has been appointed.

Read, approved and adopted this 12th day of September, 2017.

Magdalen Bowlesson
CITY CLERK

Edwin G. Marks
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 17-220

RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND TO ENTER INTO A SOLE SOURCE CONTRACT FOR THE PURPOSE AND INSTALLATION OF ENERGY EFFICIENT LIGHTING IN FIRE STATION #2 AND FIRE STATION #7/NORTH ASHEVILLE RECREATION CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities ; and

WHEREAS, the City desires to participate in the electric utility Duke Energy Progress' Small Business Energy Saver (SBES) Program which pays for energy efficiency upgrades upfront for the purchase and installation of energy efficient lighting in Fire Station #2 and #7; and

WHEREAS, Lime Energy is the only approved contractor for the Small Business Energy Savers (SBES) Program, and in order to participate in the program, the City has no other choice of contractors; and

WHEREAS, item (6) of N.C.G.S 143-129(e) states that "the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."; and

WHEREAS, participation in the SBES Program and entering into the required sole source purchase and installation contract will enable the City to upgrade existing lights with new, highly efficient LED fixtures at a significant cost savings to the City; and

WHEREAS, funding is budgeted in the Green Program budgets; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City to participate in Duke Energy Progress' Small Business Energy Savers Program and to authorize the City Manager enter into sole source provider contract for the purchase and installation of energy efficient lighting products for Fire Station #2 and #7 in the amount not to exceed $8,511.36.

Read, approved and adopted this 3rd day of October, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

142

RESOLUTION NO. 17-221

RESOLUTION TO APPLY FOR THE FISCAL YEAR 2017-18 CONTINUUM OF CARE GRANT AND ACCEPT ANY SUBSEQUENT AWARD FOR PROJECT FUNDING

WHEREAS, the U.S. Department of Housing and Urban Development will allocate Continuum of Care (CoC) funds to project applicants in the FY 2017 Competition; and

WHEREAS, NC-501 Asheville-Buncombe Continuum of Care has consistently received CoC funds; and

WHEREAS, the City of Asheville has agreed to serve as the CoC Lead with the responsibility for submitting the NC-501 Continuum of Care Consolidated Application; and

WHEREAS, the U.S. Department of Housing and Urban Development has made NC-501 Continuum of Care eligible to apply for $1,276,195 in CoC funding for FY 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve the application for the Continuum of Care Consolidated Application and any subsequent award; and

2. Council authorizes the City Manager to sign all necessary application and contract documents with the U.S. Department of Housing and Urban Development for the Continuum of Care Competition.

Read, approved and adopted the 3rd day of October, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17 - 222

RESOLUTION ACCEPTING SHELBURNE DRIVE AND SHELBURNE WOODS DRIVE AS CITY STREETS

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over all public streets within its jurisdiction, including the power to acquire streets through dedication and acceptance; and

WHEREAS, Shelburne Drive and Shelburne Woods Drive are located within the corporate limits of the City of Asheville; and

WHEREAS, Shelburne Drive and Shelburne Woods Drive have been offered for dedication to the City for public use; and

WHEREAS, Shelburne Drive and Shelburne Woods Drive were constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Shelburne Drive and Shelburne Woods Drive including but not limited to drainage infra-structure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the right-of-way width of 25 feet for Shelburne Drive has been recorded in Plat Book 22 Page 78 (dedication of the 40-foot right-of-way at the end of Shelburne Drive where it connects with Shelburne Woods Drive has been recorded in Plat Book 164 Page 174) and the dedication of the variable right-of-way width of 35 to 37.5 feet for Shelburne Woods Drive has been recorded in Plat Book 164 Page 174;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville accepts Shelburne Drive and Shelburne Woods Drive as City Streets, as indicated on the attached map section.

Read, approved and adopted this 3rd day of October, 2017.

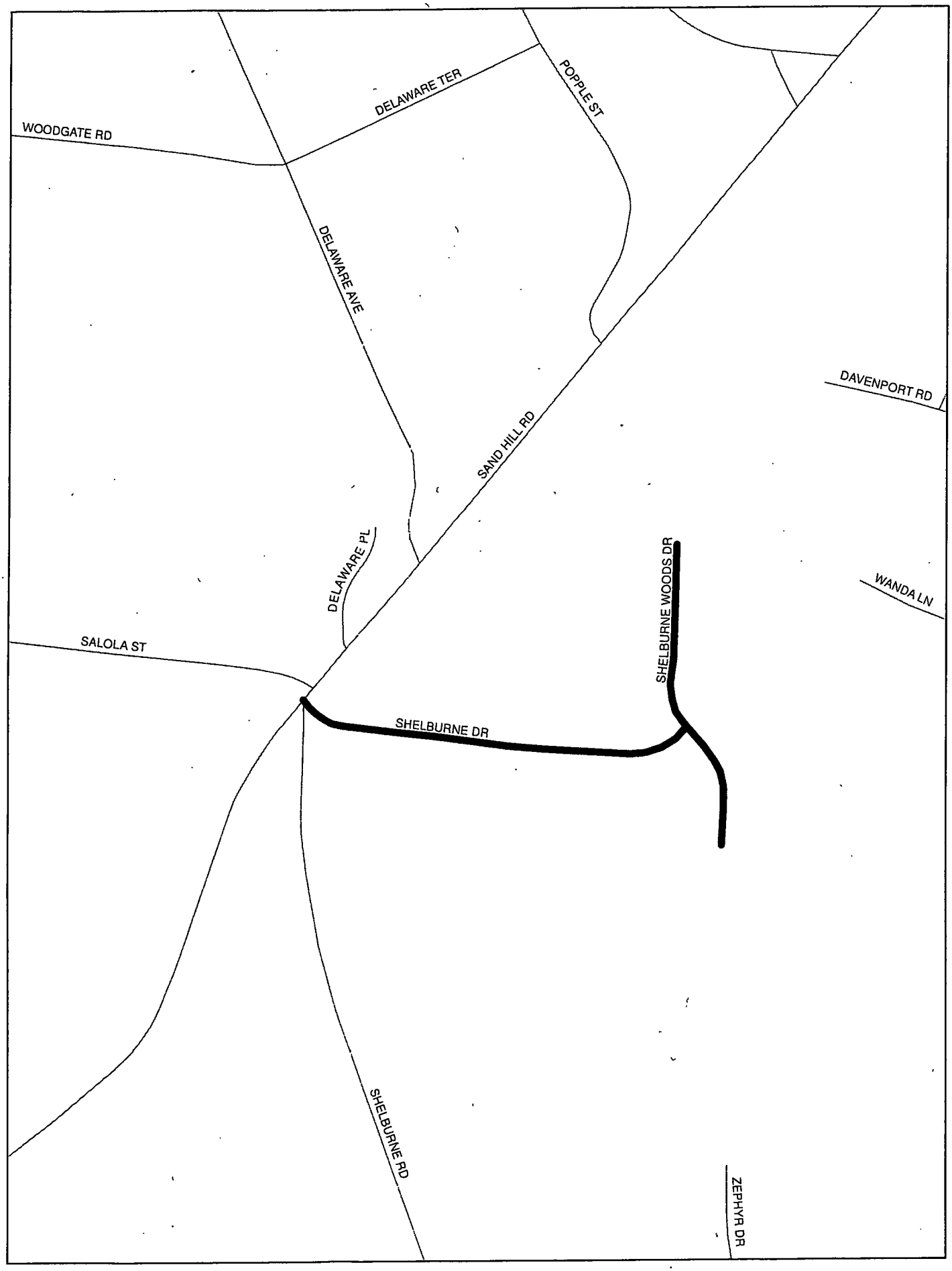
Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk


DELAWARE TER
POPPLE ST
WOODGATE RD
DELAWARE AVE
DAVENPORT RD
SAND HILL RD
DELAWARE PL
SHELBURNE WOODS DR
WANDA LN
SALOLA ST
SHELBURNE DR
SHELBURNE RD
ZEPHYR DR

RESOLUTION NO. 17-223

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FITCH AND ASSOCIATES FOR THE FIRE MASTER PLANNING PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Fitch and Associates, LLC responded to a request for proposal and was interviewed; and

WHEREAS, they were scored as the best response and also had the lowest cost proposal of those firms that were interviewed; and

WHEREAS, the project generally consists of master planning services for the Asheville Fire Department which include: a review of community characteristics, current services, and community expectations for service; complete and validate a risk assessment for the service area and measure the systems historical performance; perform an analysis of the financial sustainability of the department; and use a comprehensive public engagement process; and

WHEREAS, the City desires to enter into a contract with Fitch and Associates in the amount of $44,995 to provide master planning services; and

WHEREAS, the monies are budgeted in the City's general fund operating budget.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a contract with Fitch and Associates in the amount of $44,995 for Fire Master Planning Services and to execute and change orders up to the budgeted amount of this project.

Read, approved and adopted this 3rd day of October, 2017.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 17-224

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS REGARDING 10.37 ACRES OF REAL PROPERTY LOCATED AT 550 NEW AIRPORT ROAD

WHEREAS, the City of Asheville holds title to real property located at 550 New Airport Road (PIN # 964365905100000); and

WHEREAS, the City of Asheville has received an offer to purchase said property from AVL Holdings, LLC in the amount of $7,164,000; and

WHEREAS, North Carolina General Statutes Section 160A-269 provides for the sale of real property by negotiated offer, advertisement, and upset bids;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 10.37 acres (PIN # PIN # 9643659051000002) of real property located at 550 New Airport Road AVL Holdings LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $7,164,000.

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey aforementioned property to the AVL Holdings, LLC. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read and approved and adopted this 3rd day of October, 2017.

Magdalen Bouleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 17-225

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE YEAR CONTRACT EXTENSION WITH RIVERTOP CONTRACTING, INC. FOR THE DOWNTOWN CLEANING CONTRACT AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE ANY CHANGE ORDERS TO SAID CONTRACT WHICH MAY ARISE DURING THE EXECUTION OF SAID CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the contract known as Downtown Cleaning; and

WHEREAS, Rivertop Contracting, Inc. of Swannanoa, NC has satisfactorily worked the current contract; and

WHEREAS, the contract involves the pressure washing of City owned sidewalks and removal of undesirable vegetation from City owned sidewalks, tree grates and curblines in the Central Business District;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a one year contract extension in the amount of $250,026.00 plus a contingency of 15% ($37,504) with Rivertop Contracting Inc. for the contract known as Downtown Cleaning. The City Manager is also authorized to execute any change orders to said contract which may arise during the execution of said contract up to the budgeted amount of $300,000.

Read, approved and adopted this the 3rd day of October, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

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Repealed + Replaced w/ 19-244

RESOLUTION NO. 17-226

RESOLUTION APPROVING A FEE GRANT PROGRAM FOR AFFORDABLE HOUSING DEVELOPMENT IN THE CITY OF ASHEVILLE

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, the Fee Grant Program for Affordable Housing provides incentive grants for the development of affordable housing; and

WHEREAS, the Housing and Community Development Committee has made a recommendation, consistent with the City of Asheville's Comprehensive Affordable Housing Strategy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council approves the Fee Grant Program for Affordable Housing and authorizes the City Manager to move forward with its implementation.

Read, approved and adopted this 3rd day of October, 2017.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION 17-227

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, and Amendment Number One to the Installment Financing Contract dated as of June 1, 2016 (*"Amendment Number One"*) between the Corporation and the City;

WHEREAS, the proceeds related to the 2012 Contract were used by the City to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities (each of the projects described above financed and refinanced with the proceeds related to the 2012 Contract are referred to herein as the "*2012 Projects*");

WHEREAS, the proceeds related to entering into Amendment Number One to the 2012 Contract, were used by the City to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities, a complete list of which is available in the City Clerk's office (the *"2016 Projects"* and collectively with the 2012 Projects, the *"Projects"*);

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into Amendment Number Two to the Installment Financing Contract dated as of November 1, 2017 between the City and the Corporation (*"Amendment Number Two"* and together with the 2012 Contract and Amendment Number One, the *"Contract"*) in order to refinance the costs of a portion of the 2016 Projects (the remaining portion of the 2016 Projects are expected to be refinanced by the City through the issuance of special obligation bonds) and, to the extent the City can achieve debt service savings, a portion of the 2012 Projects;

WHEREAS, in order to secure its obligations under the Contract, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012, as amended by a Notice of Extension and Amendment to Deed of Trust dated as on June 1, 2016 (collectively, the *"Deed of Trust"*), on the real property on which City Hall, the City's Public Works Facility and the City's Municipal Building is located;

WHEREAS, in connection with entering into the Contract, the Corporation has executed and delivered Limited Obligation Bonds (City of Asheville, North Carolina), Series 2012 (the *"2012 Bonds"*) and Limited Obligation Bond, Series 2016 (the *"2016 Bond"*), each evidencing proportionate undivided interests in rights to receive certain Revenues pursuant to the Contract, to assist the City in financing the 2012 Projects and the 2016 Projects;

WHEREAS, the 2012 Bonds and the 2016 Bond were executed and delivered under an Indenture of Trust dated as of June 1, 2012 (the *"2012 Indenture"*), as supplemented by Supplemental Indenture, Number 1 dated as of June 1, 2016 (the *"First Supplement"*), each between the Corporation and Branch Banking and Trust Company, as trustee (the *"Trustee"*);

WHEREAS, to facilitate the refinancing on the terms most desirable to the City, the Corporation will execute and deliver its Limited Obligation Bonds (City of Asheville, North Carolina), Series 2017 (the *"2017 Bonds"*) to provide the funds to the City to refinance the applicable portion of the 2016 Projects and, to the extent the City can achieve debt service savings, a portion of the 2012 Projects, by refunding the corresponding portions of the 2012 Bonds and the 2016 Bond;

WHEREAS, the 2017 Bonds will be executed and delivered under the 2012 Indenture, as further supplemented by Supplemental Indenture, Number 2 dated as of November 1, 2017 (the *"Second Supplement"*), between the Corporation and the Trustee, and will evidence proportionate undivided interests in rights to receive certain Revenues pursuant to the Contract on a parity basis with the 2012 Bonds and the 2016 Bond;

WHEREAS, in connection with the sale of the 2017 Bonds by the Corporation to Merrill Lynch, Pierce, Fenner & Smith Incorporated (the *"Underwriter"*), the Corporation and the City will enter into a Bond Purchase Agreement to be dated on or about October 13, 2017 with the Underwriter (the *"Purchase Agreement"*);

WHEREAS, in connection with the refinancing of the 2012 Projects and refunding of the 2012 Bonds, the City will enter into an Escrow Agreement to be dated as of November 1, 2017 (the *"Escrow Agreement"*) with Branch Banking and Trust Company, as escrow agent;

WHEREAS, copies of the forms of Amendment Number Two, the Second Supplement, the Purchase Agreement and the Escrow Agreement relating to the transactions described above are on file with the City Clerk for review by the City Council;

WHEREAS, to make an offering and sale of the 2017 Bonds, there will be prepared a Preliminary Official Statement (the *"Preliminary Official Statement"*), a draft

of which is on file with the City Clerk for review by the City Council, and a final Official Statement (the *"Final Official Statement"* and, collectively with the Preliminary Official Statement, the "*Official Statement*") with respect to the 2017 Bonds, which Official Statement will contain certain information regarding the City;

WHEREAS, the City Council held a public hearing on entering into Amendment Number Two after publication of a notice with respect to such public hearing on September 12, 2017 and the City has submitted its application for approval of the LGC with respect to entering into Amendment Number Two and the related transactions described above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That refinancing of a portion of the 2016 Projects and, to the extent the City can achieve debt service savings, a portion of the 2012 Projects, under the Contract, including Amendment Number Two, in an aggregate principal amount not to exceed $31,200,000.00 is hereby approved. That the form and content of the Amendment Number Two and the Escrow Agreement are hereby in all respects approved and confirmed, and the Mayor, the City Manager, the Deputy City Manager, the Chief Financial Officer and the City Clerk, or their respective designees (in each case, individually or collectively, the "*Authorized Officers*"), are hereby authorized, empowered and directed, individually and collectively, to execute and deliver Amendment Number Two and the Escrow Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein. From and after the execution and delivery of Amendment Number Two and the Escrow Agreement, the Authorized Officers, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of Amendment Number Two and the Escrow Agreement as executed.

Section 2. That the City Council approves the execution and delivery of the 2017 Bonds under the terms of the 2012 Indenture, as supplemented by the Second Supplement. The City Council approves the sale of the 2017 Bonds to the Underwriter on such terms as may be agreed on but at a true interest cost not exceeding 5.00%. The form and content of the Purchase Agreement are in all respect approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed to execute and deliver the Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

Section 3. That the form and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and the final Official Statement (the "*Official Statement*") by the Underwriter in connection with the sale of the 2017 Bonds is hereby in all respects authorized, approved and confirmed.

Section 4. That each of the Authorized Officers are hereby designated as a City Representatives under the Contract and each is authorized to proceed with the transactions set forth in this Resolution and to seek opinions as a matter of law from the City Attorney, which City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Authorized Officers are in all respects authorized to supply on behalf of the City all information pertaining to the City for use in the Official Statement and the transactions contemplated by Amendment Number Two and the Official Statement. The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by and described in Amendment Number Two and the Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 5. That if any one or more of the covenants, agreements or provisions contained in this Resolution is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or is for any reason whatsoever held invalid, then such covenants, agreements or provisions will be null and void and will be deemed separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions of this Resolution or Amendment Number Two and the other instruments authorized hereunder.

Section 6. That all resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 7. That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 3rd day of October, 2017.

Magdalen Boulleson
City Clerk

Esther E. Manks
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Boulleson
City Clerk

RESOLUTION 17-228

BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $20,000,000 SPECIAL OBLIGATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA; AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH BONDS; AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BOND

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City is authorized by General Statutes of North Carolina, Section 159I-30 (the "*Act*"), to issue, subject to the approval of the Local Government Commission of North Carolina (the "*Commission*"), at one time or from time to time, special obligation bonds of the City for the purposes as specified in the Act;

WHEREAS, the City Council of the City (the *"City Council"*) has made certain findings related to the issuance of special obligations bonds in a resolution adopted at its August 22, 2017 meeting;

WHEREAS, consistent with such findings, the City has determined to issue its Special Obligation Bonds, Series 2017 (the "*Special Obligation Bonds*") in a principal amount not to exceed $20,000,000 to refinance certain downtown revitalization projects and urban area redevelopment projects as permitted by the Act and as further described in Exhibit A hereto (the "*Projects*") and to pay the corresponding costs of issuing the Special Obligation Bonds;

WHEREAS, the City will issue the Special Obligation Bonds under a General Trust Indenture dated as of November 1, 2017 between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*"), and Series Indenture, Number 1 dated as of November 1, 2017 (the "*Series Indenture*," and together with the General Indenture, the "*Indenture*") between the City and the Trustee;

WHEREAS, the City and the Local Government Commission of North Carolina have arranged for the sale of the Special Obligation Bonds to Merrill Lynch, Pierce, Fenner & Smith Incorporated (the "*Underwriter*"), under the terms of a Bond Purchase Agreement to be dated on or about October 20, 2017 (the "*Purchase Agreement*"), among the City, the Commission and the Underwriter; and

WHEREAS, copies of the forms of the General Indenture, the Series Indenture and the Purchase Agreement relating to the transactions described above are on file with the City Clerk for review by the City Council; and

WHEREAS, to make an offering and sale of the Special Obligation Bonds, there will be prepared a Preliminary Official Statement (the "*Preliminary Official Statement*"), a draft of which is on file with the City Clerk for review by the City Council, and a final

Official Statement (the *"Final Official Statement"* and, collectively with the Preliminary Official Statement, the *"Official Statement"*) with respect to the Special Obligation Bonds, which Official Statement will contain certain information regarding the City;

WHEREAS, an application has been filed with the Secretary of the Commission requesting Commission approval of the Special Obligation Bonds as required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the Special Obligation Bonds are hereby authorized and will be issued pursuant to the Act to raise the money required, in addition to any funds which may be made available for such purpose from any other source, to (a) refinance the costs of the Projects and (b) pay the costs of issuing the Special Obligation Bonds, all as set out fully in the documents attached to the City's application to the Commission. The Projects, and the corresponding use of the proceeds of the Special Obligation Bonds to refinance the Projects, as described, are (1) located in a Municipal Service District created by the City in accordance with Section 159-536 of the General Statutes of North Carolina, (2) the downtown revitalization projects are located in the central city or downtown area of the City and are necessary in order to accomplish the revitalization of the City's downtown and are intended to further the public health, safety, welfare, convenience, and economic well-being of the central city and downtown area of the City and (3) the urban area revitalization projects are located in an urban area that consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment-generating uses or any combination of these uses and are necessary in order to accomplish the revitalization of such urban area and are intended to further the public health, safety, welfare, convenience, and economic well-being of the urban area of the City.

Section 2. That the aggregate principal amount of the Special Obligation Bonds authorized by this order will not exceed $20,000,000. The Special Obligation Bonds, together with interest thereon, are special obligations of the City payable solely from the Pledged Funds (except to the extent paid out of money attributable to proceeds of the Special Obligation Bonds or the income from the temporary investment thereof), as defined in the General Indenture. The Pledged Funds under the General Indenture consist of: (1) that portion of the proceeds of the 1.0% sales and use tax levied by Buncombe County pursuant to Article 39 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City, (2) that portion of the proceeds of the 0.5% sales and use tax levied by Buncombe County pursuant to Article 40 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City, (3) that portion of the proceeds of the 0.5% sales and use tax levied by Buncombe County pursuant to Article 42 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City, (4) that portion of the proceeds pursuant to the Local Government Hold Harmless Provisions in Article 44 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City; and (5) that portion of the proceeds of the following utilities taxes levied by the State of North Carolina pursuant to Article 5 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City: a franchise tax on electricity, a sales tax on telecommunications and video services, and an excise tax on piped natural gas.

Section 3. That the City's issuance of the Special Obligation Bonds, in substantially the form to be set forth in the Series Indenture, is hereby in all respects approved and confirmed, and the provisions of the General Indenture and the Series Indenture with respect to the Special Obligation Bonds are hereby approved and confirmed and are incorporated herein by reference. The proceeds from the sale of the Special Obligation Bonds will be deposited in accordance with the Series Indenture.

The Special Obligation Bonds are special obligations of the City. The City is not obligated to pay the principal of, premium, if any, and interest on the Special Obligation Bonds from any funds of the City except from funds pledged under the Indenture. The Special Obligation Bonds do not constitute a legal or equitable pledge, charge, lien or encumbrance on any of its property or on any of its income, receipts or revenues except the funds pledged under the Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the Special Obligation Bonds, and no holder of the Special Obligation Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 4. That the form and content of the General Indenture and the Series Indenture are hereby in all respects approved and confirmed, and the Mayor, the City Manager, the Deputy City Manager, the Chief Financial Officer and the City Clerk, or their respective designees (in each case, individually or collectively, the "*Authorized Officers*"), are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the General Indenture and the Series Indenture for and on behalf of the City, including necessary counterparts, in substantially the form and content made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein. From and after the execution and delivery of the General Indenture and the Series Indenture, the Authorized Officers, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the General Indenture and the Series Indenture as executed.

Section 5. That the City Council requests that the Commission sell the Special Obligation Bonds through negotiation with the Underwriter on such terms as may be agreed on but at a true interest cost not exceeding 5.00%. The form and content of the Purchase Agreement are in all respect approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed to execute and deliver the Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as he or she may deem necessary, desirable or appropriate, his or her execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things

and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

Section 6. That the form and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and the final Official Statement (the "*Official Statement*") by the Underwriter in connection with the sale of the Special Obligation Bonds is hereby in all respects authorized, approved and confirmed.

Section 7. That no stipulation, obligation or agreement herein contained or contained in the Special Obligation Bonds, the General Indenture, the Series Indenture, the Purchase Agreement or other instrument related to the issuance of the Special Obligation Bonds is a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee will be personally liable on the Special Obligation Bonds or subject to personal liability or accountability by reason of the issuance thereof.

The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by (1) this Resolution, (2) the General Indenture, (3) Series Indenture, (4) the Purchase Agreement and (5) the other documents presented to this meeting; except that none of the above are authorized or empowered to do anything or execute any document which is in contravention, in any way, of (a) the specific provisions of this Resolution, (b) the specific provisions of the General Indenture or Series Indenture, (c) any agreement to which the City is bound, (d) any rule or regulation of the City or (e) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

Section 8. That all acts and doings of the Authorized Officers that are in conformity with the purposes and intent of this Bond Order and in the furtherance of the issuance of the Special Obligation Bonds and the execution, delivery and performance of the Indenture and the application to the Commission related thereto are hereby in all respects approved and confirmed.

Section 9. That if any one or more of the covenants, agreements or provisions contained in this Bond Order is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or is for any reason whatsoever held invalid, then such covenants, agreements or provisions will be null and void and will be deemed separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions of this Bond Order or of the Special Obligation Bonds authorized hereunder.

Section 10. That all resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 11. That this Bond Order will take effect immediately on its adoption and need not be published or subjected to any procedural requirements governing the

adoption of orders, ordinances or resolutions by the City Council other than the procedures set out in the Act.

Read, approved and adopted this 3rd day of October, 2017.

Magdalen Bullerson
City Clerk

Esther E. Manker
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bullerson
City Clerk

EXHIBIT A

Central Business District Municipal Service District

Downtown Revitalization Projects: The following projects are located in the downtown/central city area of the City of Asheville and further the public health, safety, welfare, convenience, and economic well-being of the downtown/central city area:

1. Broadway Vaulted Sidewalk – sidewalk improvements

2. Eagle Market Place – preservation of historical building and construction of affordable housing

3. South Lexington Utility Relocation – utilities relocation to support other City projects

River Arts District Municipal Service District

Urban Area Revitalization Projects: The River Arts District, located in the City of Asheville along the French Broad River, is an urban area consisting of primarily existing or redeveloping renovations of industrial, retail, wholesale, office or significant employment generating uses. The following projects further the public health, safety, welfare, convenience, and economic well-being of the urban area:

1. Craven Street Improvements – street and sidewalk, stormwater and greenway

2. RADTIP improvements/ TIGERVI Projects Construction – street, sidewalks, bikelanes, greenway, park/open greenspace

3. RAD/Five Points Roundabout – street and sidewalks improvements

4. French Broad River Greenway – greenway; connects French Broad river park to New Belgium Brewery

5. 14 Riverside Drive – renovation of park/city building located on/adjacent to Jean Webb park

RESOLUTION NO. 17-229

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CHANGE ORDER WITH TENNOCA CONSTRUCTION COMPANY WHICH WOULD ALLOW FOR AN INCREASE FOR THE AUTHORIZED CONTRACT AMOUNT FOR THE CRAVEN STREET IMPROVEMENTS PROJECT

WHEREAS, the City of Asheville has the authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Craven Street Improvement Project; and

WHEREAS, the Economic Development Administration, Golden Leaf Trust Fund, Tourism Development Authority, Metropolitan Sewerage District and Clean Water Management Trust Fund have agreed to provide funding to the Craven Street Improvements Project; and

WHEREAS, the City of Asheville has been named as a recipient of funding from these partners; and

WHEREAS, the cost of the project will exceed current authorized amounts for completion of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any change orders with Tennoca Construction Company necessary for the Craven Street Improvement Project for a total authorized amount not to exceed $7,115,425.62.

Read, approved and adopted this the 3th day of October, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock

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RESOLUTION NO. 17- 230

RESOLUTION TO ACCEPT ADDITIONAL FY 2016-17 EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina has received Emergency Solution Grant (ESG) funds for FY 2016-17 from the US Department of Housing and Urban Development; and

WHEREAS, the State made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds; and

WHEREAS, the City of Asheville was awarded $113,354 for FY 2016-17 and, as the fiscal agent to contract with the State, subgrants funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has awarded the City, as fiscal agent, an additional $34,977;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville accept $34,977 in additional funds for the Emergency Solutions Grant FY 2016-17;

2. Council authorizes the City Manager to sign all necessary documents with the State of North Carolina to accept FY 2016-17 ESG funds.

3. Council authorizes the City Manager to sign all necessary documents to subgrant FY 2016-17 ESG funds to approved agencies.

Read, approved and adopted this 3rd day of October, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-231

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH PHILLIPS & JORDAN, INC., FOR THE NORTH FORK SPILLWAY AND EMBANKMENT IMPROVEMENTS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the North Fork Spillway and Embankment Improvements Project; and

WHEREAS, Phillips & Jordan, Inc., was the lowest responsible, responsive bidder for the Project, in the amount of $34,928,000.00; and

WHEREAS, the project generally consists of excavation and construction of a new auxiliary spillway, installation of filter drains, seismic stability berms, and instrumentation on the main dam and saddle dam, construction of a parapet on the main dam, installation of a temporary raw water bypass, construction of an extension to the outlet works conduit and associated piping and valving, construction of access roads and slope stabilization measures, erosion and sediment control, intake tower modifications, demolition of existing gates in the principal spillway and construction of new weirs and gate in the principal spillway, concrete overlay of the principal spillway chute, construction of a bridge over both spillways, and miscellaneous support structures, cofferdams, electronics, and mechanical systems at the North Fork Reservoir in Black Mountain, NC; and

WHEREAS, the funding for the project is allocated within the North Fork Water Treatment Plant Dam/Tunnel Repairs Project in the Water Resources Capital Improvement Projects Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Construction Agreement with Phillips & Jordan, Inc., for the bid amount of $34,928,000.00 plus a contingency amount of $5,239,200.00 for a total project budget in the amount of $40,167,200.00 for the North Fork Spillway and Embankment Improvements Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 3rd day of October, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock

RESOLUTION NO. 17-232,

RESOLUTION AUTHORIZING SUBSTANTIAL AMENDMENT #1 OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2016-17 and THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2017-2018 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2015-2019; and

WHEREAS, on April 26, 2016 the City Council approved an Annual Action Plan for the use of these funds in 2016-2017 and on May 9, 2017 approved an Annual Action Plan for the use of these funds in 2017-18;

WHEREAS, the Housing and Community Development Committee has made a recommendation, consistent with the Strategic Plan, to amend the Action Plan for 2016-17 and 2017-18;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Annual Action Plan 2016-17 be amended as follows:
   a. Removal of $135,720 of CDBG funds from Lee-Walker Heights to Contingency

2. The Annual Action Plan 2017-18 be amended as follows:
   a. Allocate $94,912 of Contingency Funds to:
      1. Asheville Habitat for Humanity - $12,923
      2. Green Opportunities - $27,989
      3. City of Asheville - $54,000

3. The City Manager to sign all contracts, grants and loan agreements with HUD and other designated agencies for implementation of the Consolidated Action Plan, after approval by the City Attorney,

Read, approved and adopted this 3rd day of October, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to Form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-233

RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

WHEREAS, the terms of Jeremy Goldstein, Kristy Carter and Laura Berner Hudson, as members on the Planning & Zoning Commission, expired on August 14, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Sandra Kilgore, 234 Shelburne Road, Asheville, N.C., be and she is hereby appointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2020, or until her successor has been appointed.

(2) Mr. Joe Archibald, 55 Many Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2020, or until his successor has been appointed.

(3) Ms. Laura Berner Hudson, 12 Red Oak Road, Asheville, N.C., be and she is hereby reappointed as a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2020, or until her successor has been appointed.

Read, approved and adopted this 3rd day of October, 2017.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form

CITY ATTORNEY

Magdalen Bowleson

164

RESOLUTION NO. 17-234

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH WNC ROOFING, LLC, FOR THE NORTH FORK WATER TREATMENT PLANT ROOF REPLACEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the North Fork Water Treatment Plant Roof Replacement Project; and

WHEREAS, WNC Roofing, LLC, was the lowest responsible, responsive bidder for the Project, in the amount of $413,891.00; and

WHEREAS, the project generally consists of: removal and replacement of the existing PVC (Polyvinyl Chloride), EPDM (Ethylene Propylene Diene Monomer), asphalt shingle, and TPO (Thermoplastic Polyolefin) roofs on the maintenance building, administration building, generator building, high service pumping building / forestry office, and filter gallery building; the replacement of cracked clay tiles on the administration and filter gallery buildings; and the remediation of asbestos of various buildings; and

WHEREAS, the funding for the project is allocated within the Water Treatment Plant Project in the Water Resources Capital Improvement Projects Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Construction Agreement with WNC Roofing, LLC, for the bid amount of $413,891.00 plus the project engineer's recommended contingency amount of $62,084.00 for a total project budget in the amount of $475,975.00 for the North Fork Water Treatment Plant Roof Replacement Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 24th day of October, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 17-235

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT KEEP AMERICA BEAUTIFUL GRANT FUNDS FROM THE ASHEVILLE DOWNTOWN ASSOCIATION FOR THE PURCHASE AND INSTALLATION OF CIGARETTE WASTE RECEPTACLES

WHEREAS, pursuant to N.C.G.S. § 160A - 240.1 a city is authorized to acquire funds by grant and other methods; and

WHEREAS, the City of Asheville is committed to reducing litter along sidewalks and roadways; and

WHEREAS, the City of Asheville has an opportunity to utilize grant funds for the purchase of litter prevention supplies;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept grand funding of $8,000 from the Asheville Downtown Association to support implementation of a cigarette litter prevention program, and execute any documents in acceptance of said funding.

Read, approved and adopted this 24th day of October, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

166

RESOLUTION NO. 17-236

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH THE WOOTEN COMPANY FOR DESIGN AND BIDDING/CONSTRUCTION SERVICES RELATED TO THE CITY HALL ELEVATOR AUTOMATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with The Wooten Company for professional services related to the design and bidding/construction of elevators; and

WHEREAS, the City of Asheville desires to undertake the design and bidding/construction of the City Hall Elevator Automation Project and the proposed professional services are necessary to perform the elevator project; and

WHEREAS, the amount of the Amendment to the Agreement for Professional Services is $92,500.00 and the monies have been budgeted in the Capital Improvements Fund in the 2013-14 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an Amendment to the Agreement for Professional Services on behalf of the City of Asheville with The Wooten Company in the amount of $92,500.00 for design and bidding/construction services related to the City Hall Elevator Modernization Project and further authorized to execute any change orders to said Agreement which may arise during performance of said work up to the budgeted amount.

Read, approved and adopted this the 24th day of October, 2017.

Magdalen Bouleson
City Clerk

Edwin G. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 17-237

RESOLUTION PROPOSING APPROVAL OF A LICENSE AGREEMENT WITH T-MOBILE SOUTH LLC FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 130 RESERVOIR ROAD, DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LICENSE AGREEMENT IF NO OTHER BIDS ARE RECEIVED

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into license agreements for terms longer than 10 years by following any of the procedures authorized for the sale of real property such as upset bids; and

WHEREAS N. C. Gen. Stat. sec. 160A-269 provides for the sale of real property by negotiated offer, advertisement and upset bids; and

WHEREAS, the City of Asheville is the owner of real property located at 130 Reservoir Road, formerly White Fawn Reservoir; and

WHEREAS, T-Mobile South, LLC, a telecommunications company, has offered to enter into a license agreement in order to operate antennas and related equipment upon the property at 130 Reservoir; and

WHEREAS, per the proposed license agreement, T-Mobile South, LLC has agreed upon a term of up to 15 years (structured as three 5-year terms) and rental rate at the current fair market value of $37,500 per year, plus a 3% escalation rate of each year; and

WHEREAS, the City Council of the City of Asheville proposes to accept/approve the license agreement and the aforementioned terms, subject to the upset bid process;

NOW, THEREFORE, BE IT RESOLVED EY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Clerk is hereby directed to publish a notice of intent of the City of Asheville to license certain property at 130 Reservoir Road to T-Mobile South, LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder for the initial lease fee of $37,500. If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby authorized to execute the aforementioned license agreement with T-Mobile South, LLC and any and all documents necessary to give effect to this resolution.

Read, approved and adopted this the 24th day of October, 2017.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

168

RESOLUTION NO. 17- 238

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GRAHAM COUNTY LAND COMPANY, LLC FOR THE CARRIER PARK LAWN BOWLING RENOVATIONS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has determined that the existing green has met or exceeded its useful life resulting in continual maintenance needs and conditions that affect playability for park users; and

WHEREAS, has identified the need for renovation and has planned to complete the project under the capital improvement fund; and

WHEREAS, aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces; and

WHEREAS, the will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, Graham County Land Company, LLC was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract for renovation of the lawn bowling at Carrier Park, with Graham County Land Company, LLC in the amount of $447,000 plus a contingency of $19,727 for a total of $466,727, and to execute any change orders to contract or documents which may arise during construction of project within the approved budget.

Read, approved and adopted this the 24th day of October, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-239

RESOLUTION NAMING CITY OF ASHEVILLE COMMUNITY CENTER IN THE MONTFORD COMMUNITY IN HONOR OF TEMPIE AVERY

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities, and

WHEREAS, Tempie Avery made both a historical and civic significance to the City of Asheville through her work as a nurse and midwife, and

WHEREAS, Tempie Avery lived on the site of the present day Montford Community Center, and

WHEREAS, Asheville City Council would like to honor Tempie Avery's contribution and service to the citizens of Asheville by naming the Montford Community Center as the Tempie Avery Montford Center after her;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Montford Recreation Center located at 34 Pearson Drive is named the Tempie Avery Montford Center in honor of Tempie Avery.

Read, approved, and adopted this 24th day of October 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

170

RESOLUTION NO. 17- 240

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE WICKED WEED FESTIVAL OF ARTISTRY ON THE DATE OF SATURDAY, NOVEMBER 4, 2017 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Wicked Weed Festival of Artistry.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Wicked Weed Festival of Artistry event area, as set forth in Exhibit A, attached.

   The Wicked Weed Festival of Artistry event area is within the boundaries of Coxe Avenue between the intersections of Millard Avenue and Banks Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Wicked Weed Festival of Artistry on Saturday, November 4, 2017 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Wicked Weed Festival of Artistry event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Wicked Weed Festival of Artistry event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Wicked Weed Festival of Artistry, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of October, 2017.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

172

EXHIBIT A

RESOLUTION NO. 17-241

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR FUNDS FROM NEW BELGIUM BREWING COMPANY BIKE INFRASTRUCTURE GRANT PROGRAM AND ACCEPT GRANT FUNDS IF AWARDED

WHEREAS, pursuant to N.C.G.S. § 160A-240.1 a City is authorized to acquire funds by grant and other methods; and

WHEREAS, The Council of the City of Asheville recognizes that the public welfare and interest of the City includes a Well-Planned and Liveable Community; and

WHEREAS, The Council of the City of Asheville desires a Connected and Engaged Community which would include New Belgium Brewing Company and Green Opportunities; and

WHEREAS, The City is drafting an agreement with Green Opportunities to use city-owned property as a learning project for their students of Landscape and Maintenance Program where these funds can be used; and

WHEREAS, City Council supports fiscal partnerships that reduce City taxpayer burden and a connected and engaged community;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for grant funds in the amount up to $5,000 from the New Belgium Brewing Company Bike Infrastructure Grant.

Read, approved and adopted this 24th day of October, 2017.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 17-242

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR N.C. DEPT. OF TRANSPORTATION FY 2017-18 URBAN STATE MATCH FUNDS FOR THE TRANSIT STATION RENOVATION PROJECT

WHEREAS, the City has the authority, pursuant to N.C.G.S. § 160A-17.1, to apply for and receive grants from the federal and state governments and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Department of Transportation - Public Transportation Division ("NCDOT") is soliciting requests for Urban State Match Funding to be applied as a match to federally-funded facility or vehicle projects; and

WHEREAS, the City has identified the "Transit Station Renovation" project, funded by Section 5339 funds, as a project which could utilize the Urban State Match program funds; and

WHEREAS, the City is applying for a 10% match;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the NCDOT for Urban State Match funding.

Read, approved and adopted this 24th day of October, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17- 243

RESOLUTION AUTHORIZING AN ACTING CITY MANAGER TO SERVE DURING THE CITY MANAGER'S TEMPORARY ABSENCE OR DISABILITY

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-149, the City Manager has the authority to designate, subject to the approval of the City Council, a qualified person to exercise the powers and to perform the duties of the City Manager during his temporary absence or disability; and

WHEREAS, it is necessary for an Acting City Manager to be designated during the times that the City Manager is absent or otherwise unable to perform his duties, in order to effectively conduct the business of the City; and

WHEREAS, the City Manager, Gary Jackson, has prepared a letter, pursuant to N.C. Gen. Stat. § 160A-149, which has been filed with the City Clerk and which is attached hereto, which designates and authorizes Assistant City Manager Cathy Ball to exercise the powers and perform the duties of the City Manager at any time during his temporary absence or disability; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby approves the attached letter of City Manager Gary Jackson and the designation of Assistant City Manager Cathy Ball to exercise the powers and to perform any and all duties of the City Manager during his temporary absence or disability.

The duties of City Manager should be transferred to Assistant City Manager Ball upon prior written notice to the City Clerk and City Council by the City Manager, and should terminate upon the City Manager's return or his disability ceases, unless Council takes action during the City Manager's absence to revoke this designation and appoint another Acting City Manager.

Read, approved and adopted this 24th day of October, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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City of Asheville
City Manager's Office

P.O. Box 7148
Asheville, NC 28802
828-259-5604
Fax 828-259-54[redacted]
www.ashevillenc.g[redacted]

October 16, 2017

Ms. Maggie Burleson
City of Asheville City Clerk
70 Court Plaza
Asheville, NC 28801

VIA HAND-DELIVERY

RE: Designation of Acting City Manager

Dear Maggie:

I am hereby designating Assistant City Manager, Cathy Ball, to be the Acting City Manager during times when I am temporarily out of the office or otherwise unable to perform the duties of City Manager. During such times, Cathy Ball is authorized by me to exercise my powers, and to perform any and all of my duties as City Manager. This designation will be in effect for each such circumstance, upon prior written notice (including email) by me to you and the City Council, as to the dates of any absence, and will terminate upon my return.

Sincerely,

Gary W. Jackson
City Manager

cc: Asheville City Council
Robin T. Currin, City Attorney
Cathy Ball, Assistant City Manager

RESOLUTION NO. 17-244

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ENTER INTO AN AGREEMENT WITH BLOOMBERG PHILANTHROPIES FOR THE BLOOMBERG PHILANTHROPIES 2017 MAYOR'S CHALLENGE

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for grants and to enter into contracts for the administration of said grants; and

WHEREAS, no local match is required; and

WHEREAS, funds received will be used to work with community partners to embark upon a community-centered, data-driven, scientific method approach to address a community issue of importance; and

WHEREAS, measurement and open reporting of outputs, outcomes, and actual impacts upon the stated problem will be an integral part of the effort;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with Bloomberg Philanthropies 2017 Mayor's Challenge to accept an amount up to $100,000, to be used for activities surrounding the Mayor's Challenge application.

Read, approved, and adopted this 24th day of October, 2017.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

178

RESOLUTION NO. 17-245

RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council organizational meeting will be held on Tuesday, December 5, 2017, at 4:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.

Read, approved and adopted this 14th day of November, 2017.

Magdalen Bullison
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullison
City Clerk

RESOLUTION NO. 17-246

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER IN AN AGREEMENT WITH GREEN OPPORTUNITIES TO CONSTRUCT A TRAIL ALONG THE TOWN BRANCH GREENWAY CORRIDOR

WHEREAS, the City and Green Opportunities have negotiated this Agreement for the public purposes of training students of GO to learn the construction and maintenance of a gravel fines trail within the Town Branch Greenway Corridor; and

WHEREAS, the City and Green Opportunities agree to be accountable to each other to carry out this Agreement; and

WHEREAS, In 2013, the Asheville City Council approved the City Greenway Master Plan Update, including the Town Branch Greenway; and

WHEREAS, Greenways are important for multimodal transportation and connectivity, recreation opportunities, and access to nature; and

WHEREAS, The Town Branch Greenway Corridor is designed and ready to construct and the City is currently planning its financing; and

WHEREAS, Green Opportunities approached the City with the interest of using the greenway corridor as a learning opportunity for their landscape maintenance program while we are waiting on the funds to construct the permanent greenway; and

WHEREAS, partnering with Green Opportunities to create an interim trail within the greenway area will serve multi-modal needs until the permanent trail can be built; and

WHEREAS, the City and Green Opportunities desire to set forth the terms and conditions of this Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with Green Opportunities to allow for the construction of a temporary trail within the Town Branch Greenway Corridor.

Read, approved and adopted this the 14th day of November 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

1801

RESOLUTION NO. 17-247

RESOLUTION ACCEPTING THE REPORT PREPARED BY CITY STAFF FOR THE FLOOD MITIGATION ACTION ITEMS ASSOCIATED WITH THE REPETITIVE LOSS AREA ANALYSIS REPORT

WHEREAS, Buncombe County has performed a comprehensive review and evaluation of each section of the previously approved All-Hazard Mitigation Plan and has updated the said plan as required and according to guidance issued by FEMA and the North Carolina Division of Emergency Management, and

WHEREAS, the participation in the Community Rating System program, which Asheville is currently a member requires the city to provide a Repetitive Loss Area Analysis and to report on those Flood Mitigation Action Items on an annual basis, and

WHEREAS, the City wishes to continue to promote public safety and welfare through the continued participation in the Community Rating System Program, and

WHEREAS, City Staff has provided Council with the annual Flood Mitigation Action Items report as it relates to the Repetitive Loss Area Analysis;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville does hereby receive and accepts the report prepared by City Staff for the annual Repetitive Loss Area Analysis Flood Mitigation Action Items, attached hereto as Exhibit A, and authorizes its submission to the Insurance Services Office and the Federal Emergency Management Agency as part of the annual Community Rating System report which is to be signed by the City Manager.

Read, approved and adopted this the 14th day of November, 2017.

Magdalen Bowlison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlison
City Clerk

FLOOD MITIGATION ACTIONS
REPORT TO COUNCIL
2017

As part of an ongoing effort to reduce flood hazards and damage costs associated with repetitive flood losses, the City hired the consulting firm of Brown and Caldwell to develop a Repetitive Loss Area Analysis. As part of this RLAA, the consulting team has developed a set of flood mitigation action items for the city to focus on annually. Each action item listed below includes a description of the action and what actions have been taken over the past year.

Action Item 1

The City will continue its flood hazard mitigation public outreach efforts by communicating with property owners in each of the repetitive loss areas to make certain they understand the risks associated with flooding, and encourage owners to consider flood protection measures outlined in this analysis and related publications.

Actions:

The City has extensive flood related information available on the City's Public Works Department's Stormwater Division's (http://www.ashevillenc.gov/departments/stormwater/default.htm). This website has links to interactive tools to research properties within the special flood hazard area along with the Biltmore Village Emergency Response Plan which was developed in partnership with the US Army Corps of Engineers. Located on the website is information related to what to do before floods, during a flood and after flooding. As part of the preparation for Hurricane Irma, the city was able to post a blog with information related to what the City was doing to prepare for the storm. Also, the City utilized twitter to update citizens on the path of the storm, latest forecast and passed along key information from the North Carolina Emergency Management Department.

As in the past, the city staff sent out letters to each property owner located within the Repetitive Loss Areas with information related to flood protection and actions the property owners could take to help minimize damage from flooding.

As development takes place within the Repetitive Loss Area (RLA), the City's Development Services Staff works with property owners and engineers to inform them of the protection measures required for their development and guides them through the development process. City ordinances requires the developer to take actions that are above minimum FEMA requirements to help provide additional protections from flood damage in flood prone areas.

City staff often meets with property owners and developers who have questions about

their property and how the flood zones impact current and future plans for the property.

City Staff is available to meet with citizens who have flooding questions. Staff will continue to be proactive with providing the customer services our citizens deserve.

The Stormwater team is currently in the design phase of a project located in the Edwin/Celia/Canterburry area of the city. This area has been experiencing localized flooding which has overtopped Edwin Place periodically over the past several years. City staff has had multiple public meetings to discuss the details of this project.

Action Item 2

The City will identify any structures within each of the RLAs that are not permitted for occupancy and proceed with standard enforcement actions to bring the structures into compliance or have them removed.

Actions:

The City's Development Services Department continues to work to identify such properties and make notifications to these property owners. As these properties that are not permitted for occupancy arise, staff will take action to notify the property owners of the non-compliance issues and provide them with what the requirements are necessary to meet current standards. City staff is available to meet with citizens to discuss issues concerning these properties and discuss what options are available.

Other actions that have taken place this past year regarding structures within the Repetitive Loss Areas have been the property acquisitions that have occurred in conjunction with the River Arts District Transportation Improvement Project, various properties have been acquired which fall within the Repetitive Loss Areas. Four (4) structures, within the special flood hazard area that have been acquired, at 226 Lyman St, 5,221,and 300 Riverside Dr. were completely removed as part of the project.

Action Item 3

The City will consider the feasibility of a flood warning system in one or more of the RLAs to assist in advance notice to property owners of an impending flood. Given the fact that most of the structures in these areas will require some form of flood protection preparation prior to an event, a flood warning system may be a valuable asset.

FLOOD MITIGATION ACTIONS
REPORT TO COUNCIL
2017

Actions:

The City's Public Works Department, partnering with the US Army Corps of Engineers and the NC Division of Water Resources, is continuing the flood mitigation project within the Swannanoa River basin. As part of this continuing effort that considers both structural and non-structural alternatives to flood control, the feasibility report is expected to be finalized winter of 2017-18. The leading project that is expected to come out of this feasibility report is the removal of the floodplain fill both upstream and downstream of the Biltmore Avenue Bridge within the Biltmore Village area of the City.

The Public Works Department and the Asheville Fire Department is continuing to work with a consultant to develop stream elevation thresholds in which flooding occurs to allow for coordination with other emergency management agencies throughout the area to notify citizens of potential threats of flooding. City Staff looks to complete this over the next year. City Staff would look to utilize this data to assist emergency efforts through the area. Staff will continue to work with our team on this initiative.

Moving forward

Various city departments' work together to complete the flood mitigation actions tasks necessary for the Community Rating System (CRS), the team includes the Public Works Department, the Development Services Department, the Riverfront Development Office, and the Asheville Fire Department. Staff is glad to assist the citizens of Asheville who have flood insurance to be able to receive a 10 percent reduction in the insurance premium as a result of the City participating in the CRS program. Staff continues to work closely together and with available partners to implement the flood mitigation action items associated with Repetitive Loss Area Analysis report. The flood mitigation efforts are key to the sustainability of our special flood hazard areas and will also look for partnership opportunities in these same location as they become available. Staff looks forward to continuing the partnership with the US Army Corps of Engineers and the North Carolina Division of Water Resources on our flood mitigation efforts.

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RESOLUTION NO. 17- 248

RESOLUTION TO APPLY FOR, AND ACCEPT IF AWARDED, FISCAL YEAR 2017-18 EMERGENCY SOLUTIONS GRANT AND PROVIDE FUNDING TO SELECTED AGENCIES

WHEREAS, the State of North Carolina will receive and administer Emergency Solution Grant (ESG) funds for FY 2017-18 from the US Department of Housing and Urban Development; and

WHEREAS, the State has made these funds available to Continuums of Care in the State, and required that each Continuum of Care submit one regional application for ESG funds ; and

WHEREAS, the City of Asheville has agreed to serve as the fiscal agent to contract with the State, and subgrant funds to agencies providing eligible and funded services; and

WHEREAS, the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has authorized the City to apply for and accepted funds if awarded, as fiscal agent, for $123,460;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve application for the Emergency Solutions Grant;

2. Council authorizes the City Manager to sign all necessary documents with the State of North Carolina to apply for and accept FY 2017-18 ESG funds if awarded, including additional allocations.

3. Council authorizes the City Manager to sign all necessary documents to subgrant FY 2017-18 ESG funds to approved agencies.

Read, approved and adopted this 14th day of November, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 17-249

RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE PREVIOUSLY ESTABLISHED 401(a) PLAN AND IMPLEMENT A 457(b) RETIREMENT PLAN FOR FIREFIGHTERS OF THE ASHEVILLE FIRE AND RESCUE DEPARTMENT

WHEREAS, pursuant to North Carolina General Statute 160A-163(f), the City has the power to provide employees with a deferred compensation plan; and

WHEREAS, the City of Asheville desires to provide a qualified deferred compensation plan to the employees of the City of Asheville; and

WHEREAS, the State of North Carolina has established the North Carolina Public Employee Deferred Compensation Plan, a qualified governmental Deferred Compensation Plan under Internal Revenue Code § 457(b) for public employees of North Carolina administered by Prudential; and

WHEREAS, City Council previously established a 401(a) plan for qualified firefighters of the Asheville Fire and Rescue Department; and

WHEREAS, City of Asheville will terminate that previously established 401(a) pan as of December 31, 2017; and

WHEREAS, 457(b) plans provides greater flexibility than 401(a) plans with regard to employee contributions; and

WHEREAS, City Council wishes to establish a 457(b) plan for qualified firefighters of the Asheville Fire and Rescue Department, and budget the necessary monies to fund the plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any documents and take any other steps necessary to terminate the previously established 401(a) plan and to execute any documents necessary to implement and administer a 457(b) plan for eligible members of the Asheville Fire and Rescue Department with the North Carolina Public Employee Deferred Compensation Plan.

Read, approved and adopted this 14th day of November, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

186

RESOLUTION NO. 17-250

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM TO ACCEPT HIGHWAY SAFETY GRANT FUNDING

WHEREAS, the City has the authroity pursuant to N.C. Gen. Stat. sec. 160A-17 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Governor's Highway Safety Program has offered $43,000 in grant funding to the Asheville Police Department for Regional Liaison duties, CDR Software Subscription, travel costs for training opportunities and a DWI simulator; and

WHEREAS, the Asheville Police Department will provide a liaison officer to perform the necessary duties; and

WHEREAS, there is no matching fund requirement for this grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept awarded funds by the North Carolina Governor's Highway Safety Program for the use of grant funds to purchase equipment for the Traffic Safety Unit, to cover the costs associated with training for officers in the use of this equipment, and covers travel expenses for the Regional Liaison duties.

Read, approved, and adopted this 14th day of November, 2017.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 17-251

RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the term of John Menkes, as a member and Chair of the Alcoholic Beverage Control Board, expires on November 13, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. John Menkes, 604 Old Toll Road Asheville, N.C., be and he is hereby reappointed as a member of the Alcoholic Beverage Control Board, to serve an additional three-year term, term to expire November 13, 2020, or until his successor has been appointed.

Read, approved and adopted this 14th day of November, 2017.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

188

RESOLUTION NO. 17-252

RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

WHEREAS, Mr. Alfred Kalahati has resigned as a member of the Firemen's Relief Fund, thus leaving a vacancy until January 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Raymond Tweed, 87 Westwood Place, Asheville, N.C., be and he is hereby appointed as a member of the Firemen's Relief Fund, to serve a two-year term, term to begin immediately and expire on January 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 14th day of November, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 17- 253

RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council formal meeting on Tuesday, December 12, 2017, is hereby cancelled and rescheduled until Tuesday, December 19, 2017.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 28th day of November , 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

190

RESOLUTION 17 - 254

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT ALLOWING BUNCOMBE COUNTY TO CONDUCT BUILDING PERMITTING AND INSPECTION FOR PHASE I OF THE AB TECH CAMPUS CAPITAL IMPROVEMENT PROJECTS

WHEREAS, in 2011, the voters of Buncombe County approved the levy of a One-Quarter Cent County Sales and Use Tax and the Buncombe County Commissioners approved the use of additional revenues from this tax to make certain capital improvements to the Asheville-Buncombe Technical Community College ("AB Tech") campus; and

WHEREAS, the State Board of Community Colleges delegated construction authority to the County, pursuant to Section 8.19 of Session Law 2011-145, to oversee the AB Tech capital improvements projects; and

WHEREAS, since they will be overseeing the construction work of these projects, the County believes it will be more efficient for it, rather than the City, to conduct the inspections and permitting for the Projects listed in **Exhibit A**, attached hereto; and

WHEREAS, the County hereby requests that the City grant it the authority to conduct said inspections and permitting of these Projects that are within the City's jurisdiction; and

WHEREAS, the City hereby agrees to enter into an Interlocal Agreement with the County in order to authorize, with some limited exceptions, the County to conduct the inspections and permitting requested; and

WHEREAS, pursuant to N.C.G.S. 160A-413, the City is authorized to allow the County to exercise their building inspections powers within part or all of the City's jurisdiction; and

WHEREAS, pursuant to N.C. G.S. 160A-461, units of local governments may enter into contracts and agreements with each other in order to execute any undertaking within their granted powers;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council authorizes the City Manager to enter into an Interlocal Agreement and any necessary amendments or associated documents, authorizing Buncombe County to conduct buildings inspections and permitting for the AB Tech Capital Improvement Projects.

Read, approved and adopted this 28th day of November, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

NOVUS
ASHEVILLE + CHARLESTON
ARCHITECTS

September 12, 2017
2:00 PM Ferguson Auditorium

CMAR Pre-Application Conference
Buncombe County Government
Asheville-Buncombe Technical Community College
Fiscal Year 17-18 Capital Improvements

Scope of Work

Bailey Building
Partial Roof Replacement

Birch Building
Early College Floor Covering Replacement

Coman Building
Roof Replacement
HVAC System: Replace Chiller
Fire Alarm System Replacement

Ferguson Auditorium
Roof Replacement
Fire Alarm System Replacement

Chestnut Building
Replace Gutters and Downspouts

Hemlock Building
Roof Replacement
HVAC System: Replace Chiller
Resolve Foundation Water Leaks

Roberson Building
Roof Replacement
Repair/Replace Suspended Walkway & Exterior Handrails
Electrical Upgrades
HVAC System: Replace RTUs & Controls

Simpson Building
Roof Replacement
Fire Alarm System Replacement
Fluted CMU Cleaning & Sealing
Resolve Water Infiltration around Precast
Resolve Water Infiltration at Electrical Panel

Maple Building
HVAC System: 1 Split System Replacement

Dogwood Building
Install Generator for Emergency Lighting
Fire Alarm System Upgrades

Sunnicrest
Install Fire Alarm System

Project Schedule & Permitting
Because this project includes work in 11 buildings, the project will be phased and sequenced in a manner to be developed by the Architect, Buncombe County, A-B Tech & the CMAR.

- In response to A-B Tech's academic schedule for each building
- In coordination with Buncombe County Permits & Inspections requirements
- CMAR recommendations for efficient scope packages for various trades
- Overlapping work scopes in each building

Thomas N Smith AIA
Debra M Chilwood AIA
Joshua C Allison AIA
Jeffrey C Neel AIA
Peggy J Smith CDA
Steven W Bowers AIA
Jerry L Traino AIA
Emily J Kile AIA

Paul A Fields MCP
Tripp Mossengill AIA
M Ashley McCormick
Kristie K Holden
Michael L Jonaskie AIA
David J Greer AIA
Amy M Hamrick
Ryan T Jennings AIA
Steve R Lister
Sara S Lybrand CDFA
Dana M Moore AIA
Emily A Coleman-Wolf AIA
Jonathan R Copp, AIA

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RESOLUTION NO. 17- 255

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH SOUTH CAROLINA TELECOMMUNICATIONS GROUP HOLDINGS, LLC DBA SPIRIT COMMUNICATIONS FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 43 WALL STREET

WHEREAS, the City of Asheville is the owner of real property located at 43 Wall Street; and

WHEREAS, South Carolina Telecommunications Group Holdings, LLC dba Spirit Communications a telecommunications company, requests to enter into a license agreement in order to operate antennas and related equipment upon the property at 43 Wall Street; and

WHEREAS, per the proposed license agreement, South Carolina Telecommunications Group Holdings, LLC dba Spirit Communications has agreed upon an initial term of 5 years, with a possible 5 year renewal period, and an initial rental rate of $3,120.00 per year, plus a 5% escalation rate each year; and

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into leases of 10 years or less upon resolution of the City Council adopted at a regular meeting after 30 days' public notice; and

WHEREAS, the City Council of the City of Asheville proposes to approve the license agreement and the aforementioned terms;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Upon approval by the City Council, the City Manager is hereby authorized to execute the aforementioned license agreement with South Carolina Telecommunications Group Holdings, LLC dba Spirit Communications. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this the 28th day of November, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO.17- 256

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER IN A CONTRACT WITH SECURITY INNOVATIONS PROTECTIVE SERVICES, LLC FOR UNARMED SECURITY SERVICES IN THE CITY PARKING GARAGES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, Unarmed security services are needed in the City parking garages and facilities; and

WHEREAS, the amount of the contract is $133,000.00 for one year and the monies have been budgeted in the Transportation Department/Parking Services' Operating Budget for FY 2017-18;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Security Innovations Protective Services, LLC for $133,000.00 for one year, with an option to extend for up to an additional two years, and further authorized to execute any change orders to said contract or document which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 28th day of November 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION 17- 257

RESOLUTION APPROVING THE CITY OF ASHEVILLE'S 2017 FOOD POLICY GOALS AND ACTION PLAN

WHEREAS, on 2013 City Council adopted Resolution 13-17 Establishing the City of Asheville's Food Action Plan in support of the Asheville Buncombe Food Policy Agenda; and

WHEREAS, on September 6, 2016 the City Council adopted 2016-2017 Strategic Priorities, including a goal to revisit the 2013 Food Policy Action Plan; and

WHEREAS, The Asheville Buncombe Food Policy Council, acting with Bountiful Cities as the fiscal agent was engaged under a professional services agreement to produce the revised food action plan; and

WHEREAS, the intent of the revision was to achieve clarification regarding future goals, strategies and timetables; and

WHEREAS, the Asheville Buncombe Food Policy Council through a nine month process produced the revised 2017 Municipal Food Policy Goals and Action Plan; and

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville approves the 2017 Municipal Food Policy Goals and Action Plan by incorporating it into the adopted Sustainability Management Plan and any amendments thereto.

Read, approved and adopted this 28th day of November, 2017.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

Focus Area 1: Food Access and Distribution		Goal: *Increase access to nutritionally adequate food for all City residents with priority given to serving people experiencing food insecurity.*		
		Action Steps	**COA Role***	**Time-frame****
Objective A	City of Asheville supports and develops food access initiatives that serve Asheville "food deserts*"	City of Asheville recognizes working definition of Food Desert as developed by ABFPC	L	S
		City of Asheville creates incentives to encourage access initiatives such as pop-up and mobile markets to bring fresh food to food deserts	L	M
		Support Double Up Food Bucks* program initiatives to increase program participation and funding	P	O
		Research local tax incentives that increase availability of fresh food in corner stores	P	L/U
Objective B	City of Asheville's parks, public lands and greenways are a regional model for public edibles	Increase staff training, investment, and communications to support success and sustainability of edibles on city owned and managed land	L	S
		Increase infrastructural support for community gardens and edible plantings on public lands	L	O
		Work with ABFPC and community gardeners to overcome barriers that inhibit garden success	P	S
Objective C	Increase the amount of Strategic Partnership Funds supporting food security initiatives	Increase total dollars available to community groups through City of Asheville's Strategic Partnership Funds	L	S
		Prioritize project proposals that address 2017 Food Policy Action Plan objectives	L	S
		Encourage food security/access projects to apply for Strategic Partnership Funding	P	O
Objective D	Improve public transportation options to grocers, tailgate markets, food pantries, and other food access points	Utilize bus rider survey results and relevant current research to inform inclusion of food access issues in the Transit Masterplan	L	S
		Explore options to increase free/reduced bus service options to food sites	L	L/U
Objective E	City of Asheville and area employers address financial barriers that inhibit food access	Utilize city communications platform(s) to promote Living Wage Certified businesses in the City of Asheville	L	S
		Expand living wage certification initiatives	P	M

** COA Role = City of Asheville's Role in completing action steps - (L= Lead, P=Partner)*

***Timeframe (S=Short- 1-3 yrs, M=Medium- 2-5 yrs, L/U=Long/undetermined- 5+ yrs or requires research to determine timeline, O=ongoing)*

Focus Area 2: **Farms, Food Production, and Processing**		***Goal:** Through rural land preservation, business support initiatives, and producer education, more local food is available to residents, and regional food producers are economically viable.*		
		Action Steps	**COA Role***	**Time-frame****
Objective A	Increase organic and sustainable food production on City and County land	**Parks and Recreation protects and expands annual and perennial edible plantings through partnership, maintenance, and communication**	**L**	**S**
		Food and farm business entrepreneurs collaborate with city sustainability and real estate staff to create land-use process for city land parcels	**L**	**O**
		Pursue designation of Urban Agricultural Incentive Zone* to encourage urban agriculture production	P	L/U
		Increase participation in educational events that build organic and sustainable food production skills	**P**	**O**
Objective B	Develop initiative(s) to support farmland preservation in Asheville's foodshed*	City of Asheville introduces innovative revenue streams for residents and visitors to contribute funds to farmland preservation in surrounding food producing areas	L	L/U
		City of Asheville Sustainability Office works with Buncombe County Sustainability Office to identify and collaborate on shared food initiatives in City's Food Policy Action Plan and County's Sustainability Plan	**L**	**L/U**
Objective C	Support financial viability of farms, market gardens, and food businesses serving local	Encourage Asheville businesses and organizations to commit to NC 10% campaign*	L	S
		Develop partnership to research and pursue public/private food enterprise center*	P	L/U
Objective D	Recommend food and farmland policy decisions based on a deeper understanding of regional farming and food systems	**Work in partnership with Buncombe County and regional organizations to produce a regional analysis of barriers and opportunities to maximize farmland protection and local food initiatives**	**P**	**M**
		Engage with community food assessment and comprehensive mapping project to create a visual reference for food distribution, growing, and education sites	**P**	**M**

** COA Role = City of Asheville's Role in completing action steps - (L= Lead, P=Partner)*

***Timeframe (S=Short- 1-3 yrs, M=Medium- 2-5 yrs, L/U=Long/undetermined- 5+ yrs or requires research to determine timeline, O=ongoing)*

Focus Area 3: Community Food Education		*Goal: The City of Asheville prioritizes and supports resident education that increases food literacy and food productions skills.*		
		Action Steps	**COA Role***	**Time-frame****
Objective A	City is a collaborative partner on food education programs focused on sustainable and organic food production	Develop and install educational signage that informs residents about sustainable and organic food production, pollinator, compost and other food production activities and best practices; utilize signs in city owned garden properties, school gardens, and community garden sites	L	S
		Work through Neighborhood Coordinator with neighborhood associations to engage individual neighborhoods and increase collaboration on food projects between neighborhoods	L	S/M
		Utilize City's communications and outreach platforms to highlight food education activities and increase participation	L	S/M
		Work with Community Health Improvement Process (CHIP)* to conduct community food education inventory of existing food programs utilizing city parks, recreation centers, and schools	L/P	M
		Develop incentives that expand educational opportunities to increase sustainable and organic food production and use in Asheville's food deserts	P	S
Objective B	Integrate comprehensive food education initiatives in Parks and Recreation	Staff from Parks and Recreation, and Sustainability create coordinated food education campaign	L	S
		Parks and Recreation partners with organizations to develop food education for youth and adults on city land	L	M
Objective C	Coordinate and advance farm to school and school-based food education initiatives in Asheville and Buncombe County	Utilize city's communications platforms to highlight school food education activities	L	S
		Asheville and Buncombe County School Districts bring together food producers and stakeholder organizations to advance the farm to school and school-based food education initiatives	P	L/U
		Explore opportunities to support local food production for school consumption	P	M
Objective D	Utilize recommended plants lists and public resources to increase edible plantings	Incentivize developers' use of City of Asheville's recommended plants list	L	S
		Utilize public platforms at Department of Development Services and other city offices to highlight recommended plants list and to promote edible, pollinator-friendly, and native plantings	L	S
		Expand Open Tree Map* to link with recommended plants list and to provide information on edible plantings throughout the city	P	M
Objective E	Increase agroecosystem resilience* literacy	Identify and develop City of Asheville's leadership role in regional resilience planning	P	M
		Develop community learning opportunities to understand and engage with agroecosystem resilience	P	S

** COA Role = City of Asheville's Role in completing action steps - (L= Lead, P=Partner)*

***Timeframe (S=Short- 1-3 yrs, M=Medium- 2-5 yrs, L/U=Long/undetermined- 5+ yrs or requires research to determine timeline, O=ongoing)*

Focus Area 4: **Resource Stewardship** (water, compost, energy)		***Goal:** The City of Asheville takes a proactive approach to resource access and management by making resources necessary for urban agriculture available and affordable, offering incentives to encourage innovative conservation practices, and prioritizing city-wide waste reduction.*		
		Action Steps	**COA Role ***	**Time-frame****
Objective A	Create an actionable plan for city food waste recovery, composting, and redistribution	**Research and communicate comparable municipal compost initiatives to determine best practices for City of Asheville pilot program**	L	M
		Work with neighborhood leaders to develop community pilot composting initiatives to test options for full-scale city program development	L	L/U
		Launch City of Asheville municipal compost program	L	L/U
		Participate in a leadership role in Regional Food Waste Summit* and follow up action steps	P	S
Objective B	Reliable, affordable water sources are available for food production within Asheville water district	**Reduce water expenses for urban agriculture producers through urban agricultural water rate, subsidization, or grant cost-offset program**	L	M
		City of Asheville provides assistance with water infrastructure development for food production on city-owned land	L	M
		Research and implement cost-sharing program initiatives for cisterns and other rainwater harvesting at residential and urban agricultural production sites	L	M/L
Objective C	City of Asheville provides technical assistance to support urban agriculture practitioners in reducing energy use	Develop technical assistance and incentives that assist urban agriculture producers in connecting with energy saving technology and practices	L	M
		Conduct assessment to better understand current urban agricultural energy use factors	P	M
Focus Area 5: **State Food Policy and Legislation**		***Goal:** The Asheville community has an organized voice and provides regional leadership in advocacy for programs and projects that support local and regional food production, farmland preservation, and resource conservation.*		
		Action Steps	**COA Role ***	**Time-frame****
Objective A	Asheville and Buncombe County residents stay informed about and can effectively mobilize to influence state and federal food policies that impact our region	Sustainability Advisory Committee on Energy & the Environment (SACEE) stays informed about statewide food policy efforts through regular updates from ABFPC, the Farm Agency Resource Management Support Group, and regional agriculture policy stakeholders	L	O
		ABFPC initiates a local task force and policy mobilization/action alert list-serv to lobby State legislature on food policy initiatives	P	S
Objective B	City Council's legislative agenda includes support for state initiatives that increase food access in Asheville's Food Deserts	Advocate for Healthy Corner Store Initiative, NC HB 387, full $1million appropriation	P	S
		Advocate for State of NC to maintain or increase current funding levels for SNAP/EBT and free & reduced lunch subsidies	P	O

** COA Role = City of Asheville's Role in completing action steps - (L= Lead, P=Partner)*

***Timeframe (S=Short- 1-3 yrs, M=Medium- 2-5 yrs, L/U=Long/undetermined- 5+ yrs or requires research to determine timeline, O=ongoing)*

Focus Area 6: **Emergency Preparedness**		***Goal:** Residents have access to a sufficient regional food supply in the event of a disruption to the existing food system.*		
		Action Steps	**COA Role ***	**Time-frame****
Objective A	City of Asheville, Buncombe and surrounding counties, and community partners develop regional emergency food storage and access plan	Add emergency food preparedness as a section in future "Plan on a Page" neighborhood planning processes	L	M
		Develop forum for cross-sector discussion about food emergency management	P	M
		City of Asheville's "Climate Resilience Assessment" plan includes cross-sector food emergency planning encompassing neighborhood through regional scenarios	P	L

** COA Role = City of Asheville's Role in completing action steps - (L= Lead, P=Partner)*

***Timeframe (S=Short- 1-3 yrs, M=Medium- 2-5 yrs, L/U=Long/undetermined- 5+ yrs or requires esearch to determine timeline, O=ongoing)*

Focus Area 7: City Initiatives		Goal: *The City of Asheville is a national food policy leader that develops and implements innovative internal policies, programs, and initiatives that embody our commitment to food justice, local food purchasing, and local economies.*		
		Action Steps	**COA Role ***	**Time-frame****
Objective A	Improve waste and local/regional sourcing for City of Asheville venues, events, and meetings	Create a resource guide to assist city departments in sourcing local food and planning for waste reduction and composting at meetings and events	L	S
		City of Asheville signs on as NC 10% campaign* partner	L	S
		Establish baseline levels for local food and beverage sourcing at US Cellular Center	L	S
		Increase local food and beverage sourcing and sales at US Cellular Center	L	M
		Develop city hall compost initiative	L	M
		Research and implement compost initiatives at other city facilities	L	L/U
Objective B	City employees increase their consumption of local food	City of Asheville provides administrative/HR assistance and employee education about Community Supported Agriculture (CSA)* to support CSA delivery and enrollment at City Hall and other city employment sites	L	S
		Health points are made available for CSA share or other qualified local food purchase	L	S

** COA Role = City of Asheville's Role in completing action steps - (L= Lead, P=Partner)*

***Timeframe (S=Short- 1-3 yrs, M=Medium- 2-5 yrs, L/U=Long/undetermined- 5+ yrs or requires research to determine timeline, O=ongoing)*

199 - Rec Rpp 199-A + 199-B after page 200

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RESOLUTION NO. 17-258

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY REAL PROPERTY LOCATED AT 427 BROADWAY STREET TO REED CREEK GREENWAY PLAZA, LLC SUBJECT TO SPECIFIC AFFORDABLE HOUSING DEED RESTRICTIONS

WHEREAS, the City of Asheville owns vacant real property located at 427 Broadway Street; and

WHEREAS, pursuant to N.C.G.S. § 160A-456, 157-3 and 157-9.4 permits the City to convey property through private sale wherein the development of a multi-family rental housing project includes at least 20% of the housing units for low-income persons-defined as 60% AMI and below, for at least 15 years; and

WHEREAS, Reed Creek Greenway Plaza, LLC has agreed to purchase the property for the price of $115,000 and subject to an affordable housing deed restriction that requires at least 20% of the total residential units within the master development are available to low-income households at 60% AMI for a period of 25 years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, as approved the by City Attorney, to convey real property located at 427 Broadway Street (PIN # 9649142559) to Reed Creek Greenway Plaza, LLC subject to specific affordable housing deed restrictions. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this the 28th day of November, 2017.

Magdalen Bourneson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

Municipal Food Policy Goals

City of Asheville Long Term Food Policy Goals

City of Asheville Long Term Food Policy Goals

The City of Asheville commits to participating in the Asheville Buncombe Food Policy Council efforts and supports the following shared goals:

1. Improve the quality of life for those in need by increasing access to food for people who experience food insecurity.
2. Continue growing a robust regional food economy by increasing production and consumption of regional food and food products.
3. Strive to meet all nutritional needs of the community with regionally produced foods.
4. Work to prepare for short-term food emergencies and long-term food security.
5. Collaborate with regional partners to achieve all food policy goals.

City of Asheville Food Policy Focus Areas and Goals

1. Focus Area: Food Access and Distribution
   Goal: Increase access to nutritionally adequate food for all City residents with priority given to serving people experiencing food insecurity.

2. Focus Area: Farms, Food Production and Processing
   Goal: Through rural land preservation, business support initiatives, and producer education, more local food is available to residents, and regional food producers are economically viable.

3. Focus Area: Community Food Education
   Goal: The City of Asheville prioritizes and supports resident education that increases food literacy and food production skills.

4. Focus Area: Resource Stewardship
   Goal: The City of Asheville takes a proactive approach to resource access and management by making resources necessary for urban agriculture available and affordable, offering incentives to encourage innovative conservation practices, and prioritizing city-wide waste reduction.

5. Focus Area: State Food Policy and Legislation
   Goal: The Asheville Community has an organized voice and provides regional leadership in advocacy for program and projects that support local and regional food production, farmland preservation, and resource conservation.

199-B

6. Focus Area: Emergency Preparedness
   Goal: Residents have access to a sufficient regional food supply in the event of a disruption to the existing food system

RESOLUTION NO. 17- 259

RESOLUTION TO CONVEY A PERMANENT UTILITY EASEMENT TO DUKE ENERGY PROGRESS, INC. FOR INSTALLATION AND MAINTENANCE OF A UTILITY POLE AT THE INTERSECTION OF BEAUMONT AND SOUTH MARKET STREET ON CITY-OWNED REAL PROPERTY AT 171 SOUTH CHARLOTTE STREET

WHEREAS, the City of Asheville is the owner of real property located at 171 South Charlotte Street (PIN #9648-49-9147); and

WHEREAS, Duke Energy Progress, Inc. has requested that the City grant a permanent easement measuring approximately 240 square feet for the purpose of installing a new utility pole at the rear property line at the intersection of South Market Street and Beaumont Street; and

WHEREAS, there is a requirement that lighting be extended in front of a condominium development under construction and the developer has requested increased capacity from Duke Energy in order to comply; and

WHEREAS, N. C. Gen. Stat. sec. 160A-273 grants authority to the City to convey easements across City property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, as approved by the City Attorney, to convey a permanent easement over a portion of property located near the intersection of South Market and Beaumont Streets to Duke Energy Progress. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this the 28th day of November, 2017.

Magdalen Bourleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson

202

RESOLUTION NO. 17-260

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR N.C. DEPT. OF TRANSPORTATION FISCAL YEAR 2019 URBAN STATE MATCH FUNDS FOR THE PURCHASE OF FIVE BATTERY-ELECTRIC BUSES

WHEREAS, the City has the authority, pursuant to N.C.G.S. § 160A-17.1, to apply for and receive grants from the federal and state governments and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Department of Transportation - Public Transportation Division ("NCDOT") is soliciting requests for Urban State Match Funding to be applied as a 10% match to federally-funded facility or vehicle projects; and

WHEREAS, according to the Transportation Department's vehicle replacement schedule, the City is required to replace five (5) transit vehicles in FY19 in order to maintain a healthy transit fleet; and

WHEREAS, the City's local match is currently budgeted in the FY 2018 CIP and from future transit fund operating budget using diesel fuel savings resulting from the transition from diesel to electric vehicles;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the NCDOT for FY19 Urban State Match funding to support the purchase of five transit vehicles.

Read, approved and adopted this 28th day of November, 2017.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 17- 261

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN SERVICE CONTRACT WITH MATTERN & CRAIG,INC. FOR THE BOND SIDEWALK BUNDLE B DESIGN

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, A request for qualifications were solicited for the project known as, Bond Sidewalk Bundle B Design, City of Asheville Contract #91800177; and

WHEREAS,Mattern & Craig Inc, of Asheville, NC was the best qualified consulting firm responding to the RFQ, and

WHEREAS, the project involves design services, surveying,construction documents,Permitting,right of way and easement acquisition, environmental documents and community outreach;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Mattern & Craig Inc, of Asheville, NC for $573,725.00, for the Bond Sidewalk Bundle B Design.

Read, approved and adopted this 28th day of November, 2017.

Magdalen Burleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

204

RESOLUTION NO. 17- 262

RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND TO ENTER INTO A SOLE SOURCE CONTRACT FOR THE PURPOSE AND INSTALLATION OF ENERGY EFFICIENT LIGHTING IN PUBLIC WORKS BUILDING A

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities ; and

WHEREAS, the City desires to participate in the electric utility Duke Energy Progress' Small Business Energy Saver (SBES) Program which pays for energy efficiency upgrades upfront for the purchase and installation of energy efficient lighting in Public Works Building A; and

WHEREAS, Lime Energy is the only approved contractor for the Small Business Energy Savers (SBES) Program, and in order to participate in the program, the City has no other choice of contractors; and

WHEREAS, item (6) of N.C.G.S 143-129(e) states that "the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."; and

WHEREAS, participation in the SBES Program and entering into the required sole source purchase and installation contract will enable the City to upgrade existing lights with new, highly efficient LED fixtures at a significant cost savings to the City; and

WHEREAS, funding is budgeted in the Green Program budgets;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City to participate in Duke Energy Progress' Small Business Energy Savers Program and to authorize the City Manager enter into sole source provider contract for the purchase and installation of energy efficient lighting products for Public Works Building A in the amount not to exceed $55,937.76.

Read, approved and adopted this 28th day of November, 2017.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson

RESOLUTION 17 - 263

RESOLUTION APPROVING RELEASE OF THE DEED RESTRICTION CONDITION REQUIRING USE OF THE BUNCOMBE COUNTY OWNED PROPERTY LOCATED AT 1568 BREVARD ROAD FOR AN ECONOMIC DEVELOPMENT PURPOSE AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH HENDERSON COUNTY REGARDING THIS PROPERTY TO DELETE THIS CONDITION

WHEREAS, on April 14, 2015, the City Council of the City of Asheville approved the sale of the Brevard Road Property to Buncombe County from Henderson County subject to the terms of an Interlocal Agreement between the City and Henderson County; and

WHEREAS, one of the conditions of the aforementioned Interlocal Agreement was that any conveyance of the Property be subject to the condition that the property be used for an economic development pursuant to NCGS 158-7.1; and

WHEREAS, under NCGS 158-7.1, economic development purpose use is typically interpreted as the location of manufacturing enterprises or industrial and commercial plants, though other more general purposes increase the population and tax base are also allowed; and

WHEREAS, at the time of purchase, Buncombe County was working with an economic development partner interested in purchasing the Property to expand its industrial operations into the County, but that deal did not materialize; and

WHEREAS, Buncombe County has only had interest from potential purchasers interested in developing the Property for residential use and has therefore, submitted an application to the City to rezone the property from Industrial District to Residential Multifamily High Density District; and

WHEREAS, Buncombe County has requested that both Henderson County and the City release the Property from the condition that it be used for an economic development purpose so that it may be developed for residential purposes; and

WHEREAS, at its meeting on October 2, 2017, the Board of Commissioners of Henderson County voted to release the condition regarding use of the Property for economic development purposes; and

WHEREAS, City Economic Development Staff agree that residential use may be more appropriate for this Property and therefore, recommend release of the economic development condition;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A resolution granting the release of the condition that the Property be used for an economic development purpose is approved and the City Manager is authorized to execute and amendment to the Interlocal Agreement with Henderson County regarding this Property to delete this condition.

Read, approved and adopted this 28th day of November, 2017.

Magdalen Bowleson
CITY CLERK

Esther E Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson

206.

Charles Russell Burrell
County Attorney

Office of the County Attorney
Henderson County, North Carolina

October 3, 2017

Michael C. Erue, Esq.
Buncombe County
200 College St., Ste. 300
Asheville, NC 28801

RE: Bent Creek property

Dear ~~Mr. True~~ Michael:

This is in reference to your email of September 29, 2017, and our correspondence of today.

The Board of Commissioners of Henderson County last evening voted to release the condition (regarding use for economic development purposes) on the conveyance of the "Bent Creek property" (137.21 acres, Plat Book 50, Page 107, Buncombe County Registry) upon the rezoning of the property by the City of Asheville. I will send an extract of the minutes from last evening's meeting when they are approved, and will work with you to get an executed document releasing the condition to you at the appropriate time.

Sincerely,

Charles Russell Burrell

CRB

1 Historic Courthouse Square, Suite 5
Hendersonville, North Carolina 28792
Telephone (828) 697-4719 — Facsimile (828) 697-4536

Resolution No. 17-264

RESOLUTION OF APPRECIATION TO CECIL BOTHWELL

WHEREAS, Cecil Bothwell served as a member of the Asheville City Council since December 8, 2009; and

WHEREAS, Cecil untiringly devoted over eight years to the City of Asheville during a period of time that numerous projects were initiated through his leadership, which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his dedication to promote affordable, safe housing for all; his dedication of energy reduction; and his commitment to a tree canopy study which directly contributes to clean air as trees produce oxygen, intercepts airborne particulates, reduces smog, and enhances our community's respiratory health;

WHEREAS, Cecil served as member of member of the City Council Finance Committee, alternate member of the French Broad Metropolitan Planning Organization, member of the Buncombe County Metropolitan Sewerage District Board, Chair of the City Council Public Safety Committee, member of the Asheville Area Riverfront Redevelopment Commission, member of the City Council Housing & Community Development Committee, Chair and member of the City Council Public Safety Committee, alternate member of the Land-of-Sky Regional Council, and member of the City Council Planning & Economic Development Committee, and alternate member on the French Broad Water Resources Study Committee; and

WHEREAS, Cecil also served as liaison to the Asheville Regional Airport Authority, Tree Commission, Housing Authority of the City of Asheville, Public Art & Cultural Commission, Board of Electrical Examiners, Firemen's Relief Fund, Noise Ordinance Appeals Board, Recreation Board, Sustainability Advisory Committee on Energy & the Environment, and WNC Regional Air Quality Agency Board; and

WHEREAS, Cecil has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Cecil was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Cecil has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to Cecil Bothwell for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Bothwell.

Read, approved and adopted this 5th day of December, 2017.

MAYOR

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

Magdalen Burleson
City Clerk

208

Resolution No. 17-265

RESOLUTION OF APPRECIATION TO GORDON D. SMITH

WHEREAS, Gordon Smith served as a member of the Asheville City Council since December 8, 2009; and

WHEREAS, Gordon untiringly devoted over eight years to the City of Asheville during a period of time that numerous projects were initiated through his leadership, which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his commitment to the development of a multi-modal transportation network that connects people to places through greenways, sidewalks, bicycle lanes and roads; and his dedication to promote affordable, safe housing for all; his commitment to food security and job creation; and his commitment to energy reduction; and

WHEREAS, Gordon served as member of the Americans with Disabilities Act Compliance Committee, Chairman of the 4-County Asheville Regional Housing Consortium, member of the City Council Boards & Commissions Committee, Chairman and member of the City Council Housing & Community Development Committee, member of the City Council Planning & Economic Development Committee, member of the Asheville Sports Commission, member of the Asheville-Buncombe Community Relations Council, member of the City Council Finance Committee, member of the City Council Governance Committee, member of the Homeless Initiative Advisory Committee, member of the City Council Personnel Committee, member of the City Council Public Safety Committee, member of the Buncombe County Tourism Development Authority, and member of the HUB Community & Economic Development Alliance Board; and

WHEREAS, Gordon also served as liaison to the Alcoholic Beverage Control Board, the Board of Electrical Examiners, the Community Action Opportunities Board, CrimeStoppers, Eagle-Market Street Board, Neighborhood Advisory Committee, Affordable Housing Advisory Committee, Public Art & Cultural Commission, River District Design Review Committee, Transit Commission, Transportation Advisory Committee, Film Festival Committee; and

WHEREAS, Gordon has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Gordon was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Gordon has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to Gordon D. Smith for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Smith.

Read, approved and adopted this 5th day of December, 2017.

MAYOR

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

City Clerk

RESOLUTION NO. 17-266

RESOLUTION ADOPTING THE 2018 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following schedule of the meetings of the Asheville City Council for 2017 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month

Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, March 27, 2018; Tuesday, July 10; 2018; Tuesday, August 14, 2018; and Tuesday, December 25, 2018.

The City Council will hold a Capital Improvements Plan worksession on Tuesday, January 9, 2018, beginning at 3:00 p.m. in the 1st Floor North Conference Room in City Hall.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 19th day of December, 2017.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

210

RESOLUTION NO. 17-267

RESOLUTION APPOINTING A MEMBER TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

WHEREAS, Vice-Mayor Gwen Wisler has resigned as a member of the HUB Community Economic Development Alliance, representing the seat of a Planning & Economic Development Committee member; and

WHEREAS, Councilwoman Mayfield has resigned as an alternate of the HUB Community Economic Development Alliance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilman Vijay Kapoor be and he is hereby appointed as the City Council appointee and member of the City Council Planning & Economic Development Committee to serve a a member of the HUB Community Economic Development Alliance until he is no longer a member of City Council or is no longer a member of the City Council Planning & Economic Development Committee.

Read, approved and adopted this 19th day of December, 2017.

Magdalen Boulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Boulleson
City Clerk

RESOLUTION NO. 17-268

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Gwen Wisler, as a member on the Metropolitan Sewerage District Board of Directors, expires on January 19, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Vice-Mayor Gwen Wisler, 104 Kimberly Avenue, Asheville, North Carolina, be and she is hereby reappointed to serve an additional three-year term, term to expire January 19, 2021, or until her successor has been appointed.

Read, approved and adopted this 19th day of December, 2017.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

212

RESOLUTION NO. 17-269

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, former Councilman Cecil Bothwell has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilwoman Julie Mayfield be and she is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve as the City Council voting member until she is no longer a member of the Asheville City Council.

Read, approved and adopted this 19th day of December, 2017.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 17-270

RESOLUTION APPROVING A CONTRACT CHANGE ORDER INCREASING THE CONTRACT AMOUNT REGARDING DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND FOR THE PURPOSE AND INSTALLATION OF ENERGY EFFICIENT LIGHTING IN FIRE STATION #2 AND FIRE STATION #7/NORTH ASHEVILLE RECREATION CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities ; and

WHEREAS, pursuant to Resolution No. 17-220, the City entered into a contract regarding Duke Energy Progress' Small Business Energy Saver (SBES) Program which pays for energy efficiency upgrades upfront for the purchase and installation of energy efficient lighting in Fire Station #2 and #7; and

WHEREAS, the amount of the contract stated in the Resolution was incorrect and City staff has received updated pricing from the Contractor; and

WHEREAS, funding is budgeted in the Green Program budgets; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute a change order to increase the total contract amount to $12,169.17 and authorizing the City Manager to execute any change orders up to the budgeted amount.

Read, approved and adopted this 19th day of December, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

214

RESOLUTION NO. 17- 271

RESOLUTION ENDORSING THE BUNCOMBE COUNTY PATHWAY TO PREVENTION PLAN

WHEREAS, domestic violence, sexual assault and child abuse are serious social and public health issues that affect thousands of residents of the City of Asheville each year, causing multiple adverse health impacts; and

WHEREAS, research documents that children who are abused learn unhealthy behaviors and develop maladaptive coping skills, which can show up later in their adolescent and adult relationships as intimate partner and/or sexual violence; and

WHEREAS, Helpmate, Our VOICE, the Mountain Child Advocacy Center and 20 other local agencies have partnered for 3 years to design a long-term plan to prevent domestic violence, sexual assault and child abuse; and

WHEREAS, the Buncombe County Pathway to Prevention Plan employs a series of mutually-reinforcing strategies and activities mapped onto the social-ecological model, a public health approach to violence prevention, which is endorsed by the CDC. Focus areas for this plan include individual prevention education programming, youth focused programming, provider training, developing and incentivizing organizational structures that prevent violence, building community connections for resilience, and public policy advocacy. The Plan seeks to promote healthy relationships where people live, learn, work, play, and worship. The Plan intends to prevent multiple forms of violence with a few key strategies;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville endorses the Buncombe County Pathway to Prevention Plan to prevent domestic violence, sexual violence and child maltreatment and authorizes use of its logo on the document.

Read, approved and adopted this 19th day of December, 2017

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17-272

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER MPO (MPO) FOR FY 2019 FUNDING FOR AUTOMATED BICYCLE AND PEDESTRIAN COUNTING EQUIPMENT AND ACCEPT SUCH GRANTS AND EXECUTE ALL NECESSARY AGREEMENTS

WHEREAS, the City has the authority, pursuant to N.C.G.S. § 160A-17.1, to apply for and receive grants from other governmental entities and to enter into contracts for the administration of said grants; and

WHEREAS, the French Broad River Metropolitan Planning Organization is soliciting requests for transportation planning needs and is currently providing competitive funding in the amount of $90,000; and

WHEREAS, the City of Asheville has identified a need for automated bicycle and pedestrian counters to be used on new greenway facilities; and

WHEREAS, if awarded, funding agreements will be executed between the City and the granting and administering agencies prior to receipt of the grant; and

WHEREAS, the required local match will need to be programmed in the FY 2019 budget; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to apply for $48,000 in FY 2019 funding from the French Broad River MPO to purchase automated bicycle and pedestrian counting equipment for a project totaling $60,000.

2. The City Council authorizes the City Manager to execute agreements between granting or administering agencies and the City to accept the grant.

Read, approved and adopted this 19th day of December, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

216

RESOLUTION NO. 17-273

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GREENLIGHT ELECTRIC, INC. FOR THE PROJECT KNOWN AS BOND TRAFFIC SIGNALS – PHASE 1, AND FURTHER AUTHORIZING THE EXECUTION OF ANY CHANGE ORDERS TO SAID CONTRACT WHICH MAY ARISE DURING EXECUTION OF SAID CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as the Bond Traffic Signals – Phase 1, City Of Asheville Project # X1704; and

WHEREAS, Greenlight Electric, Inc. of Weaverville NC was the lowest responsible bidder for the project, and

WHEREAS, Greenlight Electric, Inc. shall provide all labor, materials and equipment for the construction of traffic signals and their appurtenances; and

WHEREAS, the amount of the agreement is $217,565, plus a 15% contingency of $32,635, and the monies have been budgeted in the Capital Projects 2017-2018 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $217,565 plus a contingency of 15% ($32,635) with Greenlight Electric, Inc. for the contract known as Bond Traffic Signals – Phase 1, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $250,200.

Read, approved and adopted this the 19th day of December, 2017.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 17- 274

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ADC ENGINEERING FOR THE PROJECT KNOWN AS JAKE RUSHER PARK BOND PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville will award a contract to ADC Engineering for the design services for the Jake Rusher Park Bond Project; and

WHEREAS, per NCGS 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services) ADC Engineering was chosen through a qualifications based selection process as the most qualified to perform the design services; and

WHEREAS, ADC Engineering presented a scope of work and fee proposal for professional services associated with the Jake Rusher Park Bond Project and will provide full design services, bidding administration, and contract administration/reporting; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with ADC Engineering to provide design services for Jake Rusher Park Bond Project for an amount not to exceed $148,000, and further authorizing the execution of any contract amendments up to 10% ($14,800) above of the contract price , which may arise during execution of said project.

Read, approved and adopted this the 19th day of December, 2017.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

218

RESOLUTION NO. 17- 275

RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A MOBILE FOOD VENDING PROGRAM FOR 68 HAYWOOD STREET TO TAKE PLACE BETWEEN JANUARY 2018 AND DECEMBER 2018

WHEREAS, the City of Asheville has established a framework by which organizations and the City of Asheville can facilitate temporary activities at 68 Haywood Street in alignment with implementation of City Council's 2036 Vision; and

WHEREAS, the City of Asheville acknowledges the value in programming that promotes a connected and engaged community, a thriving local economy and can inform a well-planned and livable community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The mobile food vending program for 68 Haywood Street is to be established and in place from January 2018 through December 2018.

2. The program is to be managed by the outdoor special events office in the Department of Community and Economic Development.

3. The program will be assessed during the calendar year 2018 with further staff recommendations brought to City Council in advance of changes or program extension into 2019.

Read, approved and adopted this 19th day of December, 2017.

Magdalen Bullison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullison

RESOLUTION NO. 17-276

RESOLUTION TO APPROVE PRIORITIES AND GUIDING PRINCIPLES FOR A REQUEST FOR QUALIFICATIONS FOR DEVELOPMENT OF THE CITY-OWNED CEDAR HILL PROPERTY AT 411 DEAVERVIEW ROAD AND 18 PISGAH VIEW ROAD FOR AFFORDABLE HOUSING

WHEREAS, the City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to develop property that fulfills important public purposes in the City of Asheville; and

WHEREAS, the City-owned parcels at 411 Deaverview Road and 18 Pisgah View Road are strategically located for the development of affordable housing ; and

WHEREAS, the Housing and Community Development Committee has made a recommendation, consistent with the City of Asheville's Comprehensive Affordable Housing Strategy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council approves the housing density priorities and guiding principles for an RFQ for development of the City-owned parcels at 411 Deaverview Road and 18 Pisgah View Road for Affordable Housing and authorizes the City Manager to move forward with its implementation.

Read, approved and adopted this 19th day of December, 2017.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlesson

220

RESOLUTION NO. 17-277

RESOLUTION ESTABLISHING AN AUDIT COMMITTEE

WHEREAS, pursuant to N.C.G.S. § 160A-146, Council may create boards and commissions of the City government; and

WHEREAS, the North Carolina School of Government, American Institute of Certified Public Accountants, Government Finance Officers Association, and Association of Local Government Auditors all recommend the establishment of an audit committee as a best practice for government entities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. There is established a committee of the City of Asheville City Council to be known as the Audit Committee.

2. The Audit Committee shall be composed of five (5) members: one (1) City Council member and four (4) outside members. Each outside member will be independent (no conflicts of interest) and financially literate, with the ability to read and understand audit reports. Outside members must have a minimum of five (5) years of experience in the management of accounting, finance, or audit for corporation, non-profit, and/or government. There must be at least two (2) Certified Public Accountants and/or Certified Internal Auditors serving on the Audit Committee.

3. All members of the Audit Committee shall be appointed by the City Council upon receipt and due consideration of an application for appointment, following the process established in Council's rules of procedure for board or committee appointments for appointments.

4. The members of the Audit Committee shall serve three-year staggered terms and all members shall serve at the pleasure of the appointing body.

5. The Audit Committee should have the following responsibilities:

   - Review internal audit reports;
   - Review with management and the external auditors the results of the financial statements audit;
   - Report to City Council about committee activities, issues, and related recommendations as needed, but at a minimum, one time a year; and
   - Provide an open avenue of communication between internal audit, the external auditors, and City Council.

6. The Audit Committee shall make annual reports to Council, or more often as Council directs.

7. The City Manager shall provide for an appropriate level of administrative support for the Audit Committee, or such other office as the Manager shall designate.

Read, approved, and adopted this 19th day of December, 2017.

Magdalen Bouleson
City Clerk

Edna E. M...
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

222

RESOLUTION NO. 18-1

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (2005 W. Star 4900 Tandum Dump Truck), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus 2005 W. Star 4900 Tandum Dump Truck ("Dump Truck"), with an estimated wholesale value of $40,000; and

WHEREAS, the Dump Truck was advertised on the Public Surplus Bid website and upon completion of the auction on Sunday, December 17, 2017, the highest bid was $52,100.00; and

WHEREAS, to finalize the sale of the Dump Truck, City Council approval is needed; and

WHEREAS, proceeds of the sale will be returned to the Water Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the 2005 W. Star 4900 Tandum Dump Truck for $52,100.

2. The Purchasing Manager is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the 2005 W. Star 4900 Tandum Dump Truck.

Read, approved and adopted this the 9th day of January, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-2

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR THE DWI TASK FORCE GRANT 2019

WHEREAS, the City has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive funds from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the N.C. Governor's Highway Safety Program has invited the City of Asheville to submit a full grant application in the amount of $441,278.90 for the costs of personnel, and

WHEREAS, this will assist the Asheville Police Department in the investigation and reduction of impaired drivers, with a 75% local match of $227,438.25, as a requirement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the Governor's Highway Safety Program, for a grant in the amount of $441,278.90 with a required 75% match by the City of Asheville in the amount of $227,438.25, to assist the Asheville Police Department in the investigation and reduction of impaired drivers.

Read, approved, and adopted this 9th day of January, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-3

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BROWN AND CALDWELL FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MISCELLANEOUS WATER TREATMENT PLANT UPGRADES PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the City entered into a contract with Brown and Caldwell in the amount of $364,000 to perform professional engineering services for the Water Treatment Plant Upgrades Project for a total project budget in the amount of $364,000 for the Water Treatment Plant Upgrades Project which City Council approved by Resolution 15-202; and

WHEREAS, due to additional bidding and construction administration relating to unknown site issues, a change order is needed in the amount of $70,000 from a total budget of $364,000 to $434,000 to complete the Miscellaneous Water Treatment Plant Upgrades Project; and

WHEREAS, the funding for the change order is allocated within the Water Treatment Plant Project in the Water Resources Capital Improvement Projects Fund.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order with Brown and Caldwell to increase the professional engineering services contract in the amount of $70,000 from a total project budget of $364,000 to $434,000 for the Miscellaneous Water Treatment Plant Upgrades Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson

RESOLUTION NO. 18-4

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SANITARY SEWER EASEMENT AT 345 MONTFORD AVENUE, IDENTIFIED AS PIN # 9649040738, TO THE METROPOLITAN SEWERAGE DISTRICT

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 345 Montford Avenue, identified as PIN # 9649040738 known as Montford Park; and

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, hereinafter MSD, has requested a Permanent Easement containing approximately 8,100 square feet and a temporary construction easement containing approximately 6,075 square feet over a portion of said property at 345 Montford Avenue; and

WHEREAS, the sewer improvements in the Montford Park Sewer Rehabilitation Project for which the easements are requested will benefit the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent and a temporary easement over a portion of property located at 345 Montford Avenue, known as Montford Park (PIN #9649040738) to the Metropolitan Sewerage District of Buncombe County, North Carolina for the purposes of implementing the Montford Park Sewer Rehabilitation Project. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

226.

RESOLUTION 18-5

RESOLUTION APPROVING THE ADDITION OF THE ENERGY INNOVATION TASK FORCE RECOMMENDATIONS TO THE CITY OF ASHEVILLE'S SUSTAINABILITY MANAGEMENT PLAN AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE GREEN BUILT ALLIANCE

WHEREAS, on June 23, 2009, Asheville City Council adopted Resolution 09-135 to adopt the Sustainability Management Plan to direct implementation of carbon reduction measures and strategies; and

WHEREAS, on October 22, 2013, Asheville City Council adopted Resolution 13-228 to support a local clean energy future for the city and the region; and

WHEREAS, on October 27, 2015, Asheville City Council adopted Resolution 15-200 supporting the Community Clean Energy Policy Framework which aims to reduce carbon emissions and encourage a clean energy economy through a partnership with Duke Energy; and

WHEREAS, on March 22, 2016, Asheville City Council adopted Resolution 16-64 establishing a joint City, County and Utility Energy Innovation Task Force that is committed to:

1. Transition the Asheville/Buncombe County area of Duke Energy Progress' - West Region to a cleaner, affordable and smarter energy future, rooted in community engagement and collaboration, that is mutually beneficial to the community and Duke Energy,
2. Avoid or delay the construction of a 190 MW natural gas peaker plant planned for 2023; and

WHEREAS, the Energy Innovation Task Force members include representatives from the lead partners, environmental and clean energy advocacy organizations, and local businesses and institutions; and have endeavored to accomplish the desired outcomes established in Resolution 16-64; and

WHEREAS, Since August, 2016, with input from the City, County and Duke Energy, Rocky Mountain Institute has aided process design and facilitation, led data collection and the data synthesis process with Duke, supported analytical and research needs, contributed to solution development, and completed a strategic evaluation that forms the foundation for a broader EITF strategy; and

WHEREAS, the recommendations from the Energy Innovation Task Force identified investments in commercial and residential energy efficiency as the first step to alleviate peak demand; and

WHEREAS, on December 20, 2017, the Sustainability Advisory Committee on Energy and the Environment made a motion to support the city's long term commitment to the EITF partnership as well as re-allocation of $25,000 to support the Blue Horizons project coordinator;

WHEREAS, making an annual investment in the Blue Horizon's project coordinator administered through the Green Built Alliance will promote efficiency programs provided by City of Asheville, Buncombe County and Duke Energy Progress; and

WHEREAS, the convening partners, Buncombe County and Duke Energy Progress, included in Resolution 16-64 have already allocated resources to support the Blue Horizon's project coordinator; and

WHEREAS, FY18 budget includes $205,000 from the General Fund to support initiatives from the EITF; and

WHEREAS, the EITF recommendations go beyond fiscal year 2018 and will be considered in the FY19 budget planning process;

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville accepts and approves the recommendations from the Energy Innovation Task Force by incorporating it into the adopted Sustainability Management Plan and any amendments thereto.

2. The City Manager be, and he is hereby authorized, to enter into an agreement with Green Built Alliance to support the Blue Horizon's project coordinator.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

228

RESOLUTION NO. 18-6

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER IN A MEMORANDUM OF UNDERSTANDING WITH BUNCOMBE COUNTY TO ENLIST ROCKY MOUNTAIN INSTITUTE TO CONTINUE ITS EFFORTS IN ACCOMPLISHING THE ENERGY INNOVATION TASK FORCE PHASE III SCOPE OF WORK

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-461, "[a]ny unit of local government in this State and any one or more other units of local government in this State ... may enter into contracts or agreements with each other in order to execute any undertaking"; and

WHEREAS, the City and Buncombe County have negotiated this Agreement for the purpose of advancing the efforts of the Energy Innovation Task Force ("EITF"); and

WHEREAS, The City has agreed to establish a joint City, County and Utility Energy Innovation Task Force; and

WHEREAS, EITF members include representatives from the lead partners, environmental and clean energy advocacy organizations, and local businesses and institutions; and have endeavored to accomplish the following desired outcomes (hereinafter "EITF's Desired Outcomes"):

1. Transition the Asheville/Buncombe County area of Duke Energy Progress' West Region to a cleaner, affordable and smarter energy future, rooted in community engagement and collaboration, that is mutually beneficial to the community and Duke Energy; and
2. Avoid or delay the construction of a 190 MW natural gas peaker plant planned for 2023.

WHEREAS, Since August, 2016, with input from the City, County and Duke Energy, Rocky Mountain Institute (hereinafter "RMI") has aided process design and facilitation, led data collection and the data synthesis process with Duke, supported analytical and research needs, contributed to solution development, and completed a strategic evaluation that forms the foundation for a broader EITF strategy (such work constituting what is referred to hereinafter as "Phases I and II") at no cost to the Parties; and

WHEREAS, the Parties now wish to initiate "Scope of Work for Phase III" on behalf of the City of Asheville and Buncombe County which is attached hereto as Attachment A and incorporated herein by reference; and

WHEREAS, As part of the FY18 City budget of $205,000 allocated to the EITF, RMI funds were allocated up to $50,000; and

WHEREAS, for the sake of efficiency, the County agrees to contract with RMI to perform Phase III and pay the full amount due to RMI, which is anticipated to cost $90,000 worth of services and up to $9,000 in travel expenses; and

WHEREAS the City agrees to reimburse the County for half of the amount paid, up to $50,000, to RMI by the County within thirty (30) days of the County's payment to RMI of these budgeted funds; and

WHEREAS, the City and Buncombe County desire to set forth the terms and conditions of this Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a memorandum of understanding with Buncombe County to enlist Rocky Mountain Institute (RMI) to continue its efforts in accomplishing the Energy Innovation Task Force.

Read, approved and adopted this the 9th day of January, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

230

RESOLUTION NO. 18-7

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LORD AECK SARGENT FOR PROFESSIONAL SERVICES RELATED TO THE DUE DILIGENCE FOR AFFORDABLE HOUSING ON REAL PROPERTIES IDENTIFIED BY THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville desires to undertake due diligence for affordable housing on real properties identified by the City of Asheville to further the goals of the Affordable Housing Bond Program and the proposed professional services are necessary to perform the proposed study; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with the best qualified firm, Lord Aeck Sargent; and

WHEREAS, the amount of the Agreement for Professional Services is $240,660 and the monies have been budgeted for the purposes of creating affordable housing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Lord Aeck Sargent not to exceed $240,660 for professional services related to the Due Diligence for Affordable Housing on City-owned Real Property and further authorized to execute any change orders to said contract or documents which may arise during performance of said study up to the budgeted amount.

Read, approved and adopted this the 9th day of January, 2018.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson

RESOLUTION NO. 18 - 8

RESOLUTION APPOINTING A MEMBER TO THE AUDIT COMMITTE

WHEREAS, on December 19, 2017, City Council adopted Resolution No. 17-277 establishing an Audit Committee; and

WHEREAS, the Audit Committee shall be composed of five members, one of which will be a Citiy Council member;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Vice-Mayor Gwen Wisler be and she is hereby appointed as the City Council member on the Audit Committee to serve until her term on City Council ends.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-9

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, the terms of Nelda Holder (Alternate member), Richard Fort (Regular Member), Daniel Summerlin (Alternate Member) and Philip Harden (Regular Member) on the Board of Adjustment expires January 21, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Philip Hardin, 48 Woodvale Avenue, Asheville, N.C. be and he is hereby reappointed as a Regular Member of the Board of Adjustment, to serve an additional three-year term, term to expire January 21, 2021, or until his successor has been appointed.

Mr. Philip Wilczynski, 12 W. Summit Avenue, Asheville, N.C. be and he is hereby appointed as a Regular Member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2021, or until his successor has been appointed.

Mr. John Kledis, 26 Jarnaul Avenue, Asheville, N.C. be and he is hereby reappointed as an Alternate Member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2021, or until his successor has been appointed.

Mr. Carter Webb, 25 Westridge Drive, Asheville, N.C. be and he is hereby appointed as an Alternate Member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2021, or until his successor has been appointed.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 18- 10

RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

WHEREAS, the terms of Byron Greiner, Michael McDonough and Jimi Rentz on the Downtown Commission expired on December 31, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Kimberly Hunter, 84 Springbrook Road, Asheville, N.C. be and she is hereby appointed as a member of the Downtown Commission, to serve a three-year term, term to expire December 31, 2020, or until her successor has been appointed.

Mr. Andrew Fletcher, 225 Forest Hill Drive, Asheville, N.C. be and he is hereby appointed as a member of the Downtown Commission, to serve a three-year term, term to expire December 31, 2020, or until his successor has been appointed.

Ms. Steven Lee Johnson, 352 Depot Street, Asheville, N.C. be and he is hereby appointed as a member of the Downtown Commission, to serve a three-year term, term to expire December 31, 2020, or until his successor has been appointed.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 18-11

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the terms of Charles Rosenblum, Sabrah n'haRaven and Jay Lively, as members on the Homeless Initiative Advisory Committee, expired on November 1, 2017; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Charles Rosenblum, 35 Beadle Lane, Asheville, N.C., be and he is hereby reappointed as a member to the Homeless Initiative Advisory Committee, to serve an additional three-year term, term to expire November 1, 2020, or until his successor has been appointed.

Ms. Marcia Bacoate, 62 Bradley Branch Road,, Asheville, N.C., be and she is hereby appointed as a member to the Homeless Initiative Advisory Committee, to serve a three-year term, term to expire November 1, 2020, or until her successor has been appointed.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowman
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowman

RESOLUTION NO. 18-12

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Geoffrey Habron, Lael Gray and John Noor on the Sustainability Advisory Committee on Energy & the Environment expired on December 31, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Geoffrey Habron, 180 Hudson Street, Asheville, N.C. be and he is hereby reappointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve a three-year term, term to expire December 31, 2020, or until his successor has been appointed.

Mr. John Noor, 436 New Haw Creek Road, Asheville, N.C. be and he is hereby reappointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve a three-year term, term to expire December 31, 2020, or until his successor has been appointed.

Ms. Renee Mazurek, 34 Stockwood Lane, Asheville, N.C. be and she is hereby appointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve a three-year term, term to expire December 31, 2020, or until her successor has been appointed.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION NO. 18-13

RESOLUTION APPOINTING MEMBERS TO THE TREE COMMISSION

WHEREAS, the terms of Marc Williams, Amy Kemp and Diane Hillgrove on the Tree Commission expired on December 31, 2017; and

WHEREAS, there currently exists a vacancy left by Carl Nyberg, term to expire December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Diane Hillgrove, 12 Temple Avenue, Asheville, N.C. be and she is hereby reappointed as a member of the Tree Commission, to serve a three-year term, term to expire December 31, 2020, or until her successor has been appointed.

Mr. Cecil Bothwell, 15 Lookout Road, Asheville, N.C. be and he is hereby appointed as a member of the Tree Commission, to serve a three-year term, term to expire December 31, 2020, or until his successor has been appointed.

Ms. Sharon Sumrall, 5 N. Delano Road, Asheville, N.C. be and she is hereby appointed as a member of the Tree Commission, to serve a three-year term, term to expire December 31, 2020, or until her successor has been appointed.

Ms. Amy Smith, 167 Beverly Road, Asheville, N.C. be and she is hereby appointed as a member of the Tree Commission, to serve the unexpired term of Mr. Nyberg, term to expire December 31, 2018, or until her successor has been appointed.

Read, approved and adopted this 9th day of January, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 18-14

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S CRIME COMMISSION'S STATE APPROPRIATION COMMITTEE FOR FLEET DASHBOARD CAMERAS

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants and to enter into contracts for the administration of said grants; and

WHEREAS, the NC Governor's Crime Commission's State Appropriation Committee has awarded the City of Asheville the amount of $61,535,.00 for the purchase of 50 Axon Fleet Dashboard Cameras for police vehicles;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the NC Governor's Crime Commission's State Appropriation Committee for the 2017-2018 Body/Dashboard Cameras - Local Solicitation matching grant in the amount of $61,535.

Read, approved, and adopted this 23th day of January, 2018

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION 18 - 15

RESOLUTION ACCEPTING AN HONORARIUM FROM UNIVERSITY OF NORTH CAROLINA, ASHEVILLE'S MCCULLOUGH INSTITUTE

WHEREAS, the City of Asheville passed Resolution 17-257 approving the City of Asheville's Food Policy Action Plan in support of the Asheville Buncombe Food Policy Agenda; and

WHEREAS, during 2017 the Office of Sustainability mentored a student of the McCullough Fellowship Program at UNC Asheville to examine "Food Cultivation in Urban Spaces"; and

WHEREAS, in recognition Office of Sustainability activities as a "project partner", the McCullough Institute has offered to grant an honorarium in the amount of $800 to the Department; and

WHEREAS, supporting perennial edibles and orchards on City property follows Asheville City Council's 2036 Vision of a Well Planned Community and a Clean and Healthy Environment; and

WHEREAS, Dr. George Washington Carver Edible Park, established in 2001 is the oldest community food forest in the United States; and

WHEREAS, Dr. George Washington Carver Edible Park hosts over 40 varieties of fruit and nut trees; and

WHEREAS, accepting the honorarium will help provide funding for future maintenance of Dr. George Washington Carver Edible Park; and

WHEREAS, Pursuant to NCGS 160A-240.1, a City is authorized to acquired funds by grants and other methods for use by of the City of any Department of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be, and he is hereby, authorized to accept an honorarium in the amount of $800 from the University of North Carolina, Asheville's McCullough Institute that will be utilized for future maintenance and organized work days within the Dr. George Washington Carver Edible Park.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-16

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants; and

WHEREAS, funds for FY 2018-19 are available from the North Carolina Department of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has received financial assistance in the amount of $75,000 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $7,500 which is budgeted in the Transit Services Fund budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and he is hereby authorized to enter into an agreement with the N.C. Dept. of Transportation to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration (FTA) for FY 2018-19.

Read, approved and adopted this 23rd day of January 2018.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-17

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDING FROM THE FRENCH BROAD RIVER MPO FOR FISCAL YEAR 2018 FOR A TRANSPORTATION FEASIBILITY STUDY ON BILTMORE AVENUE, MCDOWELL STREET AND BROADWAY, AND EXECUTE ALL NECESSARY AGREEMENTS

WHEREAS, the City has the authority, pursuant to N.C.G.S. § 160A-17.1, to apply for and receive grants from other governmental entities and to enter into contracts for the administration of said grants; and

WHEREAS, the French Broad River Metropolitan Planning Organization has programmed funding for a feasibility study for Biltmore Avenue, McDowell Street and Broadway in the amount of $200,000; and

WHEREAS, the City of Asheville is expected to manage the study and provide the $40,000 match; and

WHEREAS, if awarded, funding agreements will be executed between the City and the granting and administering agencies prior to receipt of the grant; and

WHEREAS, the required local match will need to be programmed in the FY 2018 budget;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to accept $160,000 in FY 2018 funding from the French Broad River MPO for a feasibility study project totaling $200,000.

2. The City Council authorizes the City Manager to execute agreements between granting or administering agencies and the City to accept the grant.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Burleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION 18 - 18

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND IF AWARDED, ACCEPT GRANT FUNDS FROM THE NATIONAL LEAGUE OF CITIES LEADERSHIP IN COMMUNITY RESILIENCE TO ADVANCE THE CITY OF ASHEVILLE'S CLIMATE RESILIENCY ASSESSMENT

WHEREAS, the City of Asheville passed Resolution 09-135 approving the City of Asheville's Sustainability Management Plan as the strategic plan for municipal sustainability goals and activities; and

WHEREAS, the Sustainability Management Plan identified the need of developing a Climate Resiliency Assessment; and

WHEREAS, the National League of Cities, Leadership in Community Resilience helps local officials, city staff and community partners share their experiences and advance local resilience efforts; and

WHEREAS, each city selected will receive a $10,000 grant and at least 12 months of technical assistance, staff support, and professional development opportunities for community leaders; and

WHEREAS, accepting funds will help provide funding for future public meetings and environmental education opportunities on climate resilience; and

WHEREAS, pursuant to NCGS 160A-240.1, a City is authorized to acquire funds by grants and other methods;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council authorizes the City Manager to apply for a $10,000 grant, and if awarded accept funds, from the National League of Cities to be utilized for future public meetings to educate the citizens of Asheville on climate resilience.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

242

RESOLUTION NO. 18-19

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK PATTERSON LEE, P.C., FOR THE ART TRANSIT STATION FACILITIES RENOVATION PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64, statements of qualification were solicited for the project known as the ART Transit Station Facilities Renovation Design Contract; and

WHEREAS, Clark Patterson Lee, P.C., was the best qualified firm for the Project, with a negotiated fee in the amount of $188,000; and

WHEREAS, the contract generally consists of: planning and public engagement, design, and construction administration services in order to renovate the ART Transit Station Facilities with the goals of: improving passenger experience; improving building performance and energy efficiency; maximizing the renovation within budget; and minimizing disruptions to transit performance.

WHEREAS, the funding for the project is allocated within the ART Transit Station Renovation Project in the Capital Improvement Program Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Professional Services Agreement with Clark Patterson Lee, P.C., for the contract amount of $188,000 for design services for the ART Transit Station Facilities Renovation Design Contract, and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson

RESOLUTION NO. 18-20

RESOLUTION AMENDING RESOLUTION NO. 08-227 ESTABLISHING THE HOMELESS INITIATIVE ADVISORY COMMITTEE TO UPDATE THE NAME, PURPOSE AND DUTIES OF THIS COMMITTEE

WHEREAS, the City Council adopted Resolution No. 08-227 on November 11, 2008, establishing the Homeless Initiative Advisory Committee (herein "HIAC") as a joint committee of the City of Asheville and Buncombe County for the primary purpose of implementing the City's "10 Year Plan to End Homelessness" adopted in January of 2005; and

WHEREAS, since that time HIAC's purpose and duties have expanded beyond solely implementation of the 10 Year Plan, to include more generally, work to reduce all types of homelessness by a coordinated and sustained effort that addresses the underlying causes of homelessness in Buncombe County; and

WHEREAS, HIAC desires to update its Bylaws to reflect their expanded purposes and duties and amend the original Resolution establishing HIAC;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT RESOLUTION NO. 08-227 BE AMENDED AS FOLLOWS:

1. The Homeless Initiative Advisory Committee name shall be changed to the "Asheville-Buncombe Homeless Initiative Advisory Committee" (herein "HIAC") to better reflect that this was established as a joint committee between the City and County.

2. HIAC members shall be from a broad, housing related, cross-representation of the community, including but not limited to representation from groups below , and recommended for appointment by the HIAC on this basis and appointed by the City Council or Board of County Commissioners:

- Affordable Housing Developers
- Corrections
- Faith Based Organization
- Homeless or Formerly Homeless
- Housing Providers
- Indigent Legal Defense
- Law Enforcement
- Agencies that serve survivors of human trafficking
- Local Government Staff/ Officials
- Mental Health/Substance Abuse
- Non-Profit Service Provider
- Public Housing Authorities
- School Administrators/ Homeless Liaisons
- Street Outreach Teams
- Veterans Administration
- Victim Service Providers
- Youth Advocates
- Youth Homeless Organizations

3. Representation by people who have lived with the experience of homelessness will be prioritized and a least one Member seat shall be reserved for a person who is homeless or formerly homeless.

4. Purposes and duties of the HIAC shall be expanded to include the following:

- Serve as an advisory body in collaboration with the Asheville-Buncombe Homeless Coalition, to the Asheville City Council, or its designated subcommittee, for the NC 501Continuum of Care.
- Address homelessness through a coordinated community-based process of identifying needs and building a system of housing and services that meet those needs.
- Foster a community-wide commitment to the goal of ending homelessness
- Identify ways to secure funding for efforts to quickly re-house individuals and families who are homeless, in order to minimize the trauma and dislocation caused by homelessness.
- Work to find ways to ensure access to and effective use of additional supportive services available at the federal, state and local level.
- Work to promote self-sufficiency among individuals and families experiencing homelessness.

5. The HIAC may in its bylaws, provide for subcommittees and or workgroups comprised of HIAC members or members of the community at large as the Commission deems necessary, who shall perform such duties as may be assigned by the HIAC. Notice of meetings of any subcommittee shall be given as required by law.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion

RESOLUTION NO. 18-21

RESOLUTION APPROVING THE UPDATED BYLAWS OF THE ASHEVILLE-BUNCOMBE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, City Council Resolution 08-227 on November 11, 2008 established the Asheville-Buncombe Homeless Initiative Advisory Committee, a joint committee of Asheville City Council and the Buncombe County Commission (herein "HIAC"); and

WHEREAS, on January 23, 2018, the City Council voted to amend Resolution 08-227 to update the name, purpose and duties of HIAC; and

WHEREAS, HIAC's purpose and duties have expanded to include more generally, work to reduce all types of homelessness by a coordinated and sustained effort that addresses the underlying causes of homelessness in Buncombe County; and

WHEREAS, the HIAC drafted new bylaws to reflect expanded purpose and duties and its advisory capacity in collaboration with the Asheville-Buncombe Homeless Coalition to the Asheville City Council, or its designated subcommittee, for the NC 501 Continuum of Care; and

WHEREAS, the HIAC board recommended approval of the updated Bylaws at their September 26, 2017 meeting; the City's Housing and Community Development Committee recommended approval of the updated Bylaws on November 21, 2017; the City's Boards and Commissions Committee recommended approval of the updated Bylaws on January 9, 2018;

WHEREAS, a copy of the HIAC bylaws have been provided to the City Council.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The updated Bylaws of the Asheville-Buncombe Homeless Initiative Advisory Committee are approved.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 18-22

RESOLUTION AUTHORIZING CITY MANAGER TO ACCEPT BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY GRANT FUNDS

WHEREAS, N.C. Gen. Stat. § 160A-240.1 states that the City is authorized to acquire by gift or grant any interest in personal property for use by the city or any department; and

WHEREAS, The City Council of the City of Asheville recognizes that the public welfare and interest of the City includes implementation of Council's 2036 Vision and corresponding Strategic Plan Priorities for the RADTIP and the development of the Riverfront Innovation District; and

WHEREAS, City Council has heard the Asheville Area Riverfront Redevelopment Commission's and the Multimodal Commission's recommendations to complete the RADTIP; and

WHEREAS, City Council supports fiscal partnerships that reduce City taxpayer burden for the Capital Improvement Plan; and

WHEREAS, the TDA is offering the City a grant in the amount of $4.6 million in funding to complete the Lyman street work for the RADTIP project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept grant funds in the amount up to $4,600,000 from the Buncombe County Tourism Development Authority

Read, approved and adopted this the 23rd day of January 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 18-23

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH BEVERLY-GRANT/BARNHILL JV FOR CONSTRUCTION OF LYMAN ST AND OTHER ADJACENT BICYCLE AND PEDESTRIAN INFRASTRUCTURE AS ORIGINALLY DESIGNED AND BID FOR THE TIGER VI (RADTIP) PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on June 27, 2017 by Resolution No. 17-137, City Council authorized a contract with Beverly-Grant/Barnhill to construct the RADTIP; and

WHEREAS, the scope of the project was reduced at the time of award to postpone the items presented in this amendment the amount of financial reduction specifically associated with these scope items was $4,6000,000.00; and

WHEREAS, through a Buncombe County Tourism and Development grant, $4,600,000.00 has been made available to the City in order to complete this work; and

WHEREAS, the scope items addressed in this amendment were bid through the public bid process in May 2017, it is known that the cost of adding these items back to the contract is $4,600,000.0; and

WHEREAS, a contract amendment to the Beverly-Grant/Barnhill Construction Co. is required for the services associated with the management and construction of the project; and

WHEREAS, the current amount of the contract is $27,127,901.00 and the amendment to the contract is a guaranteed maximum price of $4,600,000.00 for a total maximum price of $31,727,901.00.

NOW, THEREFORE BE IT RESOLVED BE THE CITY COUNCIL OF THE CITY OF ASHEVILLE

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a contract amendment with Beverly-Grant/Barnhill Construction Co. to construct improvements to include Lyman St, and adjacent infrastructure including a protected bike lane, and sidewalks in the amount of $4,600,000 for a total maximum price of $31,727,901.00.

Read, approved and adopted this 23rd day of January, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson

RESOLUTION NO. 18-24

RESOLUTION NAMING CITY OF ASHEVILLE PARK IN THE KENILWORTH COMMUNITY IN HONOR OF LEAH CHILES

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities, and

WHEREAS, Leah Chiles made both a historical and civic significance to the City of Asheville through her work as a Mayor of Kenilworth and business woman, and

WHEREAS, Leah Chiles lived adjacent to the site of the present day Lakewood Park, and

WHEREAS, on January 23, pursuant to the City's naming policy, City Council made an announcement of the renaming request and solicited input from the community; and

WHEREAS, Asheville City Council would like to honor Leah Chiles contribution and service to the citizens of Asheville by naming Lakewood Park as Leah Chiles Park after her;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Park located at ON Lakewood Parkway is named Leah Chiles Park in honor of Leah Chiles.

Read, approved, and adopted this 13th day of February 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18 - 25

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FEDERAL FISCAL YEAR 2017 SECTION 5339 FORMULA FUNDS

WHEREAS, pursuant to N.C.G.S. # 160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the City of Asheville receives an annual allocation from the formula funds of the Federal Transit Administration Section 5339 Buses and Bus Facilities Grants Program; and

WHEREAS, the City of Asheville has identified a project that would include the allocated funding from the Federal Fiscal Year 2017 Section 5339 formula funds; and

WHEREAS, the City of Asheville would like to use these funds for the identified project;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville hereby authorizes the City Manager to accept the Federal Fiscal Year 2017 Section 5339 formula funds in the amount of $214,000 to be used for the purchase of replacement batteries for hybrid transit buses.

Read, approved and adopted this the 13th day of February, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson

250

RESOLUTION NO. 18-26

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOTOROLA, INC. FOR PUBLIC SAFETY RADIO SYSTEM MAINTENANCE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the N. C. General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City requires maintenance coverage of its public safety radio communications system; and

WHEREAS, the initial 12 month warranty period for the City's radio equipment has expired; and

WHEREAS, the City of Asheville and Motorola, Inc. wish to establish the service agreement to provide security, repair and maintenance on the radio equipment for which the warranty has expired; and

WHEREAS, the service agreement will be a five year agreement with an option to renew for an additional five years and the costs for each year is provided in the agreement; and

WHEREAS, funding has been allocated for the service agreement for the remainder of the current fiscal year and funding for each successive year is contingent upon City Council's approval of each fiscal year of the budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a five (5) year general services agreement with an option to renew for one (1) successive five-year period with Motorola, Inc. for the purpose of maintaining the City's radio communications system and associated equipment for an amount not to exceed the City's approved fiscal year budget for each applicable fiscal year period, contingent upon Council approval of each fiscal year budget; and City's and Motorola Solutions, Inc.'s mutual agreement to extend the contract.

Read, approved and adopted this the 13 day of February, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 18- 27

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A SECTION OF PEACHTREE STREET (JAKE RUSHER PARK) AND TO SET A PUBLIC HEARING ON SUCH CLOSURE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a section of Peachtree St. (Jake Rusher Park); and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a section of Peachtree Street (Jake Rusher Park), described as follows:

Description of that portion of Peachtree Street proposed to be closed:

That portion of Peachtree Street in Royal Pines between City of Asheville property of Jake Rusher Park, 132 Peachtree Street, Asheville, NC 28704 Parcel Identification Number 96544354725 Deed Book 4158 Page 1733 Plat Book 7 Page 62 Sycamore Drive South to South Edge of City of Asheville property at 139 Peachtree Street same deed. More particularly described as the following:

BEGINNING at a rebar and cap "Jo/11111y White L-4304" with NAD83(2011) NC State plane Coordinates Northi11g = 646,032. 70 sFT, Easting = 953,340.80 sFT in the intersection of the southem margin of Sycamore Drive and the eastern margin of Peachtree Street being South 72 degrees 15 minutes 07 seconds West 274.09feet from NCGS Monument "Royal Pines PID AA5670 Coordinates Northing 646,116.17 sFT, Easting 953,601.87 sFT. Thence with said beginning on a curve to the left with the eastern 111argin of Peachtree Street Radius 42.04feet, Arc length 57.90feet, Chord South 30 degrees 49 minutes 24 seconds West 53.43feet to a point; thence South 09 degrees 35 minutes 59 seconds East 113.08feet to a point; thence South 08 degrees 18 minutes 52 seconds East 199.60feet to an iron pipe 1.0foot below grade; thence South 08 degrees 23 minutes 35 seconds East I 06.17feet to a rebar and cap Hampton-Hintz 1.0 below grade; thence South 81 degrees 36 minutes 25 seconds West 50.00feet across Peachtree Street to the West margin of Peachtree Street and a rebar and cap "Johnny White L-4304 ";thence with the West margin of Peachtree Street North 08 degrees 23 111inutes 35 seconds West 106.17feet to apoint; thence North 08 degrees 18 minutes 52 seconds West 199.1J feet to apoint; thence North 09 degrees 35 minutes 59 seconds West 84.08feet to apoint; thence on a curve to the left Radius 4J .04feet, Arc length 69.73 feet, Chord North 58 degrees 16 minutes 44 seconds West 6J .64feet to a Magnetic Nail in the intersection of the western margin of Peachtree Street and the southern mmgin of Sycamore Drive; thence with across Peachtree Street 011 a curve to the right Radius 700.88feet, Arc Length 134.J 9feet, Chord North 68 degrees 09 minutes J 2 seconds East 133.99feet to the Point of Beginning.

2. A public hearing on the question of permanently closing a section of Peachtree Street (Jake Rusher Park), is hereby called for on March 13, 2018 at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a March 13, 2018 .

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along Peachtree Street (Jake Rusher Park). Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock

RESOLUTION NO. 18-28

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY NEAR 85 DEAVER STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a an unopened right of way located near 85 Deaver Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way located near 85 Deaver Street, described as follows:

Description of that portion of Deaver St proposed to be closed:

That portion of Deaver Street shown as the "Unopened Road, A 10-foot wide alley as shown on Plat Book 154, Page 110 bounded by the following described line:

Beginning at a rebar marking the most northerly corner of Lot 1 of said Plat Book 154, Page 110, also being the most northerly corner of Lot 1, Plat Book 174, Page 118, said point lying on the easterly line of Lot 1, Plat Book 134 Page 175; thence N16°09'E along said easterly line, 14.51 feet to a rebar marking a bend in said easterly line, said point also being the most westerly corner of Lot A, Plat Book 97, Page 152 and Lot 10, Block 1, Plat Book 134, Page 76; thence S52°15'E along the southerly line of said Lot A and the southerly line of Deed Book 4875, Page 778, also being the southerly line of Blocks 1 and 2, Plat Book 134, Page 76, 220.34 feet to a rebar on the westerly right-of-way of Deaver Street; thence S25°08'W along said right-of-way, 12.30 feet to a rebar marking the easterly corner of said Lot 1, Plat Book 174, Page 118, also being the easterly corner of Lot 1, Plat Book 154, Page 110; thence N52°38'30"W along the northerly line of said Lot 1, Plat Book 174, Page 118 and Lot 1, Plat Book 154, Page 110, 217.69 feet to the point of beginning.

Said alley as described contains 2,800 square feet or 0.064 acres and is subject to MSD sewer and other easements of record.

2. A public hearing on the question of permanently closing an unopened right of way located near 85 Deaver St, is hereby called for on March 13, 2018, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a March 13th, 2018.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unopened right of way located near 85 Deaver St. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property adjoining this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Bowlerson
City Clerk

Edwin Q. Mu
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 18- 29

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY AT THE END OF DEAVER STREET SOUTH OF HOWARD STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way located at the end of Deaver Street south of Howard Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way located at the end of Deaver St South of Howard St, described as follows:

Description of that portion of Deaver St proposed to be closed:

DESCRIPTION OF A PORTION OF TWENTY (20) - FOOT ALLEY FOR PROPOSED CLOSURE

An area of land located in the City of Asheville, Buncombe County, North Carolina adjacent to Howard Street near its intersection with Haywood Road and being a portion of an Unnamed Alley as shown on Plat Book 20 at Page 145 recorded in the Buncombe County Registry

Beginning on a 5/8-inch rebar with Ed Holmes & Associates identification cap (EHA rebar) found flush with the adjacent grade in the existing western right of way of an Unnamed Alley and being at the southeastern corner of the property described in Deed Book 4953 at Page 1132, Buncombe County Registry, said rebar having N.C. Grid NAD 83(2011) coordinates of Northing: 684730. 17 feet and Easting: 937196.27 feet; from the beginning point thus established and with the existing western right of way of the Unnamed Alley South 18°39'22" West, a distance of 56.59 feet to an EHA rebar found flush, said rebar at the southern terminus of the alley and being in the line of the property described in Deed Book 5412 at Page 1391, same registry; thence with the terminus of the alley South 85°00'24" East, a distance of 20.13 to an unmarked point; thence with the eastern right of way of the alley North 19°08'54" East, a distance of 51.66 feet to an unmarked point in the alley's eastern right of way; thence North 70°51'06" West, a distance of 20.00 feet to the point of Beginning.

Containing 1,070 +/- square feet or 0.025 +/- Acres per coordinate computation.

All bearings are relative to N.C. Grid NAD 83(2011) and all distances are horizontal ground distances in U.S. survey feet unless otherwise noted.

2. A public hearing on the question of permanently closing an unopened right of way located at the end of Deaver Street south of Howard Street, is hereby called for on March 13, 2018, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a March 13, 2018.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unopened right of way located at the end of Deaver Street south of Howard Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property adjoining this alley, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 18-30

RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council will hold their annual retreat on February 15-16, 2018, beginning at 8:15 a.m. in The Collider, located at 1 Haywood Street, Asheville, N.C.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Bowlson
CITY CLERK

Edwin G. Marcus
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-31

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY ON SHEPPARD DRIVE TO MICHAEL LEDFORD FOR CONSTRUCTION OF A SEWER SERVICE LINE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of the Sheppard Road property located near Old County Home Road, identified as PIN # 9628-79-7260; and

WHEREAS, Michael Ledford has requested a Permanent Sewer Easement containing approximately 432 square feet over a portion of said property near Old County Home Road and has agreed to pay $150.00 as fair market consideration for said easement; and

WHEREAS, the City's Parks and Recreation, Planning and Community Development Department were consulted and have no objections to the connection because its location, minimal impact to the Property, and the easement will not impact the City's ability to develop the Property in the future;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent sewer easement over a portion of property located on the Sheppard Road parcel near Old County Home Road to Michael Ledford. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-32

AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT MODIFICATION WITH B.ALLEN CONSTRUCTION, INC. FOR THE CONSTRUCTION IMPROVEMENTS FOR THE ASHEVILLE WILDLIFE PARK – VISITOR RECEPTION AND WELCOME PLAZA

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, The City has determined existing entrance to the Nature Center (aka Asheville Wildlife Park) needs improvements due to the age of the facility as well as the growing visitor attendance at this facility: and

WHEREAS, Unknown site conditions have fostered the need to make additional infrastructure improvements to the project: and

WHEREAS, the City has identified the need for improvements and has planned to complete the project under the general capital improvement and general fund for Parks and Recreation Department; and

WHEREAS, the Nature Center improvements demonstrates the City's commitment to maintain and improve the City's infrastructure as identified in the 2036 Council Vision; and

WHEREAS, B. Allen Construction, Inc. was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to increase the contract with B. Allen Construction, Inc. to construct a new Visitor Reception and Welcome Plaza at the Western North Carolina Nature Center (aka Asheville Wildlife Park) from the approved amount of $1,116,382.00 via an additional $60,000 for a total contract amount of $1,171,382.00 and to execute any change orders to said contract or documents which may arise during construction of said project within the approved budget.

Read, approved and adopted this the 13th day of February, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 18-33

RESOLUTION AUTHORIZING THE ASHEVILLE FIRE DEPARTMENT TO ACCEPT AN OIL TANKER DONATION FOR A DEPARTMENT TRAINING PROP

WHEREAS, Bumgarner Oil no longer needed an old oil tanker for their business needs and decided to donate it to the Asheville Fire Department; and

WHEREAS, the Buncombe County Training Facility agreed to allow the Asheville Fire Department to place the oil tanker and use it as a training prop on its property; and

WHEREAS, City Council approval is needed to receive the donation and its title; and

WHEREAS, the cost of its placement at the Buncombe County Training Facility is budget-neutral;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City accepts the donation of an oil tanker to be used as a training prop at the Buncombe County Training Facility.

Read, approved, and adopted this 13th day of February 2018.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 18-34

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP FOR AUDITING SERVICES FOR FISCAL YEAR 2017-2018

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S. 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, RSM US LLP has submitted an engagement letter and contract pursuant to Government Auditing Standards and the requirements of the Commission to provide audit services to the City Council for fiscal year 2017-2018; and

WHEREAS, the City Council desires that the City's fiscal year 2017-2018 audit service contract be awarded to the firm RSM US LLP; and

WHEREAS, funds are included in the Finance Department's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with RSM US LLP in the amount of $93,340 for auditing services for fiscal year 2017-2018.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

RESOLUTION NO. 18- 35

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH GREEN LIGHT ELECTRIC, INC. FOR THE CHARLOTTE STREET/BILTMORE AVENUE SIGNAL UPGRADE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for Construction with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, A request for qualifications were solicited for the project known as, Charlotte St/ Biltmore Ave. signal upgrade City of Asheville Project # T1101 ; and

WHEREAS,Green Light Electric, Inc of Weaverville, NC, of Asheville, NC was the lowest and responsible bidder to bid, and

WHEREAS, the project involves construction services, surveying, concrete ramps, refuse islands, electrical wiring and traffic control;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Green Light Electric, Inc of Weaverville, NC, of Asheville, NC for $116,378.63.

Read, approved and adopted this the 13th day of February, 2018.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 18-36

RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE PAYMENT TO COLONIAL FORD TRUCK SALES, INC. FOR REPAIRS TO ASHEVILLE FIRE DEPARTMENT LADDER 10

WHEREAS, on January 6, 2017, Asheville Fire Department Ladder 10 was damaged by a third-party necessitating the City to file an insurance claim to finance repair costs provided by Colonial Ford Truck Sales, Inc. totalling $157,188.67; and

WHEREAS, the City's insurance carrier issued to the City $102,091.70, minus the City's $10,000 deductible to reimburse initial Asheville Fire Department Ladder 10 repair costs and tow service; and

WHERE AS, the City's insurance carrier will provide Colonial Ford Truck Sales, Inc. $56,296.97as payment for Asheville Fire Department Ladder 10 supplemental repairs; and

WHERE AS, the City seeks to issue payment to Colonial Ford Truck Sales, Inc. in the amount of $100,891.70 for repairs to Asheville Fire Department Ladder 10 so the apparatus may be returned to service;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville is hereby authorized to issue payment to Colonial Ford Truck Sales, Inc in the amount of $100,891.70 in consideration for Asheville Fire Department Ladder 10 repairs.

Read, approved and adopted this 13th day of February, 2018.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson

264

RESOLUTION NO. 18-37

RESOLUTION TO NOT SUPPORT THE N.C. DEPT. OF TRANSPORTATION PROPOSAL TO WIDEN MERRIMON AVENUE TO FIVE LANES AND REQUESTING THE N.C. DEPT. OF TRANSPORTATION TO COLLABORATE WITH CITY STAFF TO DEVELOP ALTERNATIVES FOR MERRIMON AVENUE AND TO MEET REGULARLY WITH CITY STAFF TO REVIEW ALL OTHER N.C. DEPT. OF TRANSPORTATION PROJECTS WITHIN ASHEVILLE

WHEREAS, the City adopted a Complete Streets policy in 2012 to incorporate Complete Street philosophy into street and travel way design, and

WHEREAS, crashes and crash injuries and fatalities impact our quality of life and regional economic vitality, and

WHEREAS, Council's Vision 2036 calls for "pedestrian oriented development" that is "harmonized with an integrated transportation system," as calls for "Sidewalks, greenways, and bike facilities get us where we want to go safely and keep us active and healthy," and

WHEREAS, the N.C. Dept. of Transportation (NCDOT) is proposing to improve traffic operations on Merrimon Avenue near WT Weaver Boulevard and Edgemont Road; and

WHEREAS, City staff analysis of NCDOT's plan would not provide sufficient infrastructure for bicycles and pedestrians, and recommend NCDOT develop alternatives for Merrimon Avenue.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council finds that NCDOT's plan for Merrimon Avenue as proposed does not align with city goals and adopted plans and is not in the best interests of residents; and

2. The City Council requests that NCDOT collaborate with city staff to develop alternatives for Merrimon Avenue that safely accommodate all users and that align with city goals and adopted plans; and

3. The City Council requests NCDOT to partner with and include representatives from the city in the early planning and design stages of every road project in the city of Asheville (such as the Sweeten Creek Road widening project and others) going forward and to set up a regular meetings, at least quarterly, to review the status of all projects in the STIP that are within the city limits of Asheville

Read, approved and adopted this 13th day of February, 2018.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 18- 38

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ENTER INTO A CONTRACT WITH THE N.C. DIVISION OF EMERGENCY MANAGEMENT FOR THE FISCAL YEAR 2017 HOMELAND SECURITY GRANT PROGRAM

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the Department of Homeland Security, has issued guidelines for the Fiscal Year 2017 Homeland Security Grant Program, and

WHEREAS, the Asheville Fire Department wishes to apply for and receive a non-matching grant in the amount of $30,000 for the purchase of wireless telecommunications equipment to upgrade the existing equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into a contract with the N.C. Division of Emergency Management to receive a $30,000 non-matching grant to purchase wireless telecommunications equipment upgrades and enhancements.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18- 39

RESOLUTION AUTHORIZING CITY MANAGER TO RECEIVE REIMBURSEMENT OF FUNDS FROM THE STATE OF NORTH CAROLINA FOR AIDING WITH HURRICANE IRMA AND HURRICANE HARVEY RELIEF

WHEREAS, the Emergency Management Assistance Compact (EMAC) has set forth guidelines for states to request assistance in a state of emergency; and

WHEREAS, assistance was provided to the North Carolina Helo-Aquatic Rescue Team (NCHART) team in San Antonio, Texas during Tropical Storm Harvey; and

WHEREAS, the Asheville Fire Department wishes to receive a reimbursement in the amount of $12,062.27 available from the State of North Carolina to reduce the impact on the fire department's budget; and

WHEREAS, the North Carolina Emergency Management division has set forth guidelines to request assistance from Task Force Teams in a state of emergency; and

WHEREAS, assistance was provided to the North Carolina Urban Search and Rescue Task Force 2 during Hurricane Irma; and

WHEREAS, the Asheville Fire Department wishes to receive a reimbursement in the amount of $5,386.08 available from the State of North Carolina to reduce the impact of this deployment on the fire department's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to receive funds in the amount of $17,448.35, from the State of North Carolina to reimburse the fire department overtime budget.

Read, approved, and adopted this 27th day of February, 2018

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-40

RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE AN OFFER OF PURCHASE FOR UPSET BIDS FOR 108.2 SQUARE FEET OF AIR RIGHTS LOCATED AT 35 EAGLE STREET

WHEREAS, the City of Asheville owns certain property adjacent to 35 Eagle Street, being a sidewalk within the right of way of Eagle Street; and

WHEREAS, pursuant to North Carolina General Statutes Section 160A-273, the City has the authority to grant air rights over public rights-of-way for the purpose of erecting a building or other permanent structure; and

WHEREAS, on January 12, 2018, a qualifying offer was received from Asheville Foundry Inn, LLC to purchase 108.2 square feet of air space for a permanent cornice along the roofline on a hotel complex under construction at Eagle Street and South Market Street, in the amount of $833.00; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute 160A-269, the City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 108.2 square feet of air rights located at 35 Eagle Street to Asheville Foundry Inn LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $833.00. Per the statute, the Council may at any time reject any and all offers; and

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to Asheville Foundry Inn, LLC. Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney and compliance with applicable North Carolina law.

Read and approved and adopted this 27th day of February, 2018.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 18-41

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH GHD CONSULTING SERVICES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE MILLS RIVER WATER TREATMENT PLANT ROOF REPLACEMENT AND STRUCTURAL IMPROVEMENTS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and GHD Consulting Services was selected to provide professional engineering services for various water treatment plant repair, replacement or expansion projects and the City entered into a Master Agreement with GHD Consulting; and

WHEREAS, the City wishes to enter into a Supplemental Agreement under the conditions of the Master Agreement to perform professional engineering services for the Mills River WTP Roof Replacement and Structural Improvements Project for the proposed amount of $206,040 plus a 10% contingency for a total of $226,644; and

WHEREAS, the funding needed for this agreement is currently allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Supplemental Agreement with GHD Consulting Services, Inc. for the proposed amount of $206,040 plus a 10% contingency for a total of $226,644 for the Mills River WTP Roof Replacement and Structural Improvements Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-42

RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) The previously scheduled budget worksession on March 13, 2018, will be rescheduled to March 20, 2018, at 3:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall, and will be held in conjunction with a participatory budget worksession.

(2) The Asheville City Council will be holding a joint meeting with the Buncombe County Board of Commissioners on March 13, 2018, at 3:00 p.m. in the 1st Floor Conference Room at 200 College Street, Asheville, N.C.

(3) The City Council formal meeting scheduled on May 8, 2018, will be cancelled and rescheduled to May 15, 2018.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-43

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH W. K. DICKSON & CO., INC. FOR ENGINEERING SERVICES ASSOCIATED WITH NEIGHBORHOOD ENHANCEMENT PROJECT - AREA 5

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and W.K. Dickson was selected to provide on-call professional services for Water Distribution and Storage Projects and the City entered into a Master Agreement on May 11, 2015 with W.K. Dickson; and

WHEREAS, the City wishes to enter a Supplemental Agreement under the conditions of the Master Agreement to perform professional engineering services for the proposed amount of $762,395 plus a 10% contingency for a total of $838,635 for the Neighborhood Enhancement Projects - Area 5; and

WHEREAS, the project includes design for construction of approximately 27,925 Linear Feet of 6, 8 and 12-inch water line and appurtenances along various streets within the Muirfield Subdivision, Mills Gap Road, Swannanoa River Road, South Tunnel Road, Long Shoals Road, Brookwood Road, Brevard Road, Hazel Mill Road and Joe Jenkins Road; and

WHEREAS, the funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Supplemental Agreement with W.K. Dickson & Co., Inc. for the proposed amount of $762,395 plus a 10% contingency for a total of $838,635 for the Neighborhood Enhancement Project - Area 5; and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bresson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bresson
City Clerk

RESOLUTION NO. 18-44

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH BROWN AND CALDWELL FOR PROFESSIONAL ENGINEERING SERVICES FOR THE NORTH FORK WATER TREATMENT PLANT SODIUM BICARBONATE FEED SYSTEM REPLACEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and Brown and Caldwell was selected to provide professional and engineering services for various water treatment plant repair, replacement and expansion projects and the City entered into a Master Agreement with Brown and Caldwell; and

WHEREAS, the City wishes to enter into a Supplemental Agreement under the conditions of the Master Agreement to perform professional engineering services for the North Fork Water Treatment Plant Sodium Bicarbonate Feed System Replacement Project for the proposed amount of $165,000 plus a 10% contingency amount of $16,500 for a total of $181,500; and

WHEREAS, the funding for the change order is allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Supplemental Agreement with Brown and Caldwell for the proposed amount of $165,000 plus a 10% contingency for a total of $181,500 for the North Fork Water Treatment Plant (NFWTP) Sodium Bicarbonate Feed System Replacement Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Boulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Boulleson

272

RESOLUTION NO. 18- 45

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT SOCON JAMFEST ON THE DATE OF SUNDAY, MARCH 4, 2018 FROM 1:00 PM – 3:45 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at SoCon JamFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the SoCon JamFest event area, as set forth in Exhibit A, attached.

   The SoCon JamFest event area is within the boundaries of the City-owned parcel located at 68 Haywood Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for SoCon JamFest on Sunday, March 4, 2018 from 1:00 p.m. – 3:45 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the SoCon JamFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the SoCon JamFest event area, or elsewhere

in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the SoCon JamFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlesson
City Clerk

Esther E. McEntire
Mayor

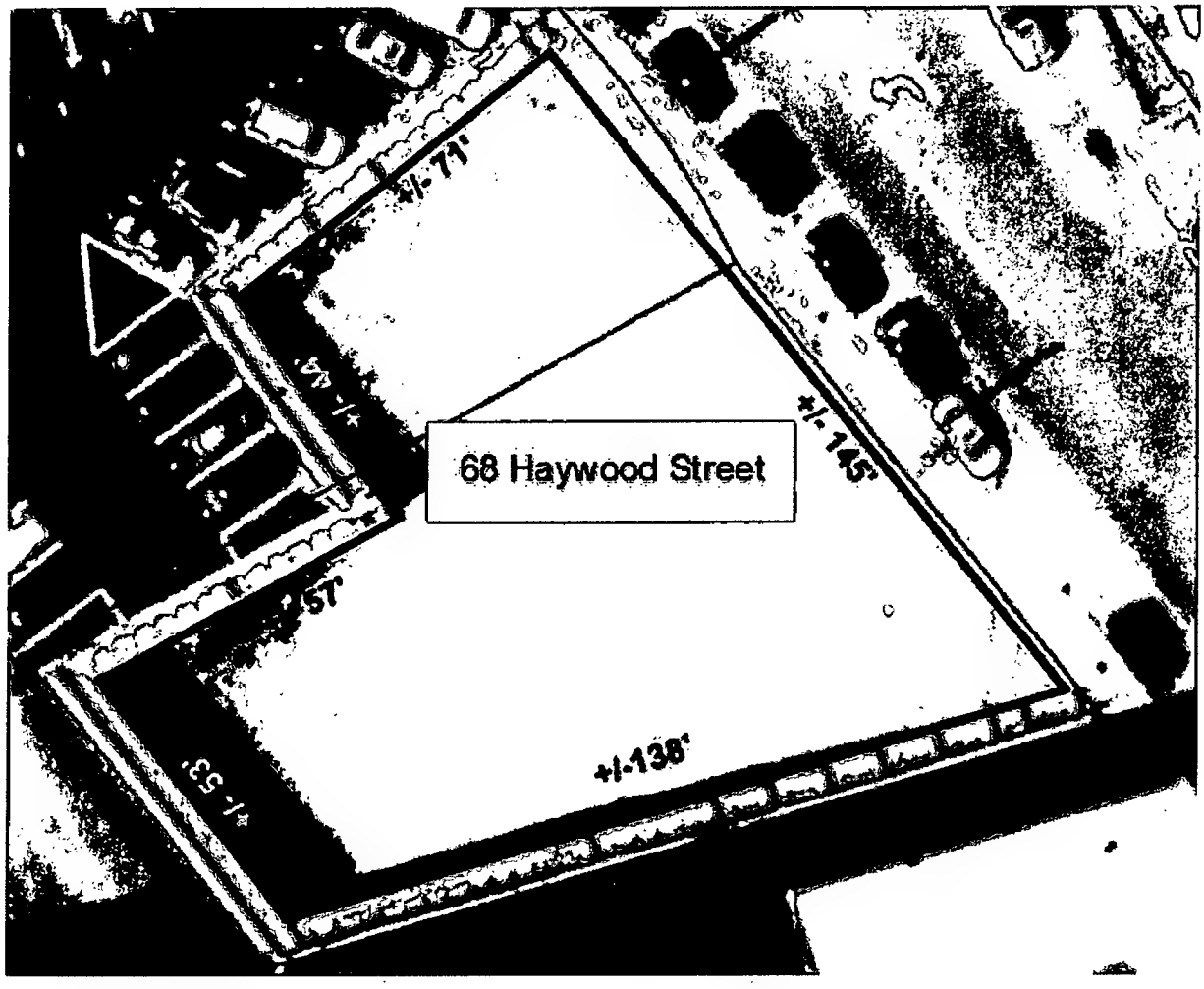
Approved as to form:

City Attorney

Magdalen Bowlesson

274.

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 46

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY MARKET, WEEKLY ON SATURDAYS FROM APRIL 7, 2018 - DECEMBER 15, 2018, BETWEEN THE HOURS OF 8:00 AM – 12:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville City Market.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville City Market event area, as set forth in Exhibit A, attached.

   The Asheville City Market event area is within the boundaries of North Market Street between the intersections of Walnut Street and Woodfin Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville City Market conducted weekly on Saturdays from April 7, 2018 – December 5, 2018 from 8:00 a.m. – 12:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine served in one-once samples, contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville City Market event area. No

other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville City Market event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville City Market, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A

Alcohol Area

1278

RESOLUTION NO. 18- 47

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT RUN FOR THE PAWS ON THE DATE OF SUNDAY, APRIL 22, 2018 FROM 10:00 AM – 2:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, Ordinance 4595 adopted by Council on July 25, 2017 permits sale of alcohol on Sundays beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Run for the Paws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Run for the Paws event area, as set forth in Exhibit A, attached.

   The Run for the Paws event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Run for the Paws on Sunday, April 22, 2018 from 10:00 a.m. – 2:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Run for the Paws event area. No other possession of open

containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Run for the Paws event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Run for the Paws, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

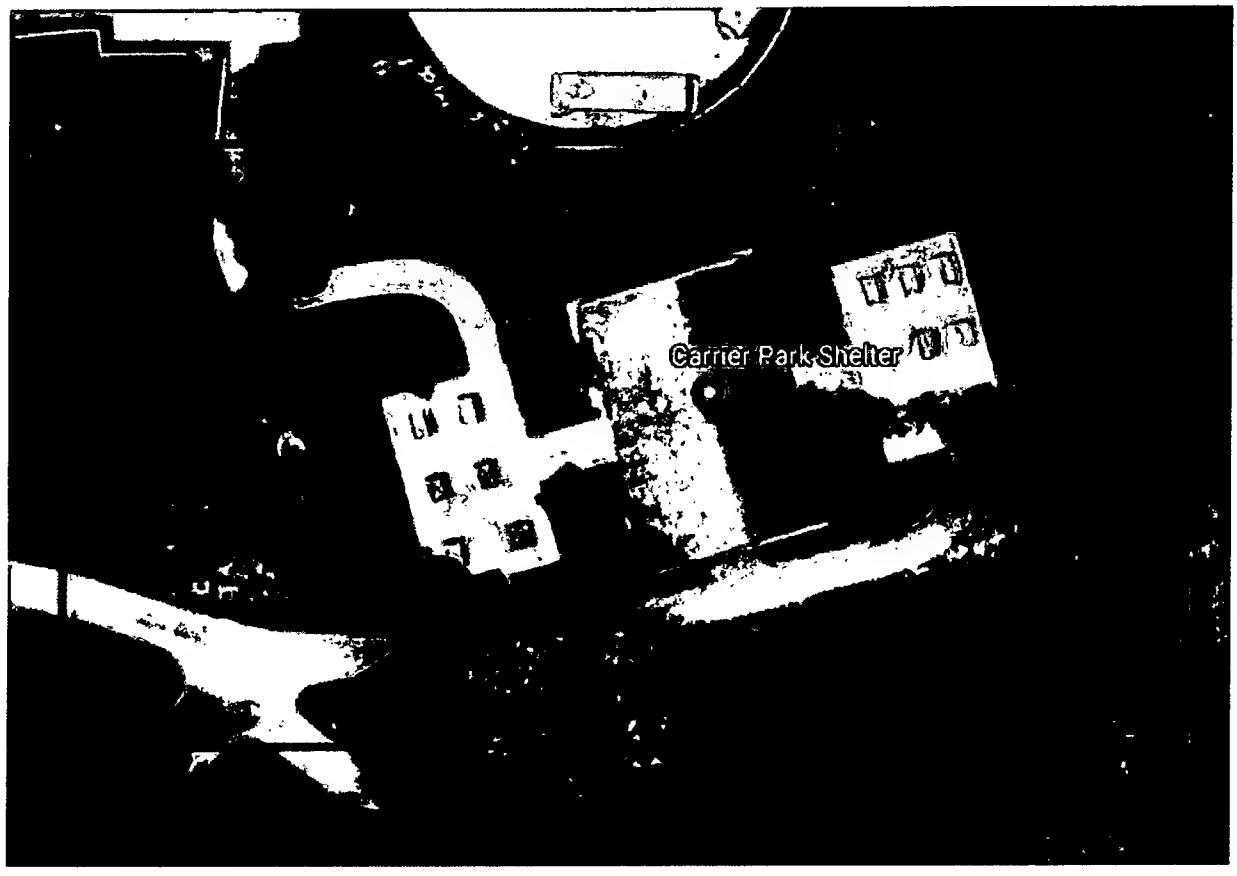
Approved as to form:

City Attorney

Magdalen Bowlson

280

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 48

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB GAMES FROM 6:00 PM – 10:00 PM ON THE DATES OF MAY 4, MAY 5, MAY 8, MAY 17, MAY 19, MAY 29, JUNE 2, JUNE 12, JUNE 14, JUNE 19, JUNE 21, JUNE 23, JUNE 27, JUNE 29, JUNE 30, JULY 2, JULY 3, JULY 10, JULY 13, JULY 14, AND JULY 15, 2018

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville City Soccer Club Games.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville City Soccer Club Games event area, as set forth in Exhibit A, attached.

   The Asheville City Soccer Club Games event area is within the boundaries of the Memorial Stadium, located at 32 Buchanan Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville City Soccer Club Games from 6:00 p.m. – 10:00 p.m. on May 4, May 5, May 8, May 17, May 19, May 29, June 2, June 12, June 14, June 19, June 21, June 23, June 27, June 29, June 30, July 2, July 3, July 10, July 13, July 14, and July 15, 2018.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of

and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville City Soccer Club Games event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville City Soccer Club Games event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville City Soccer Club Games, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlson
City Clerk

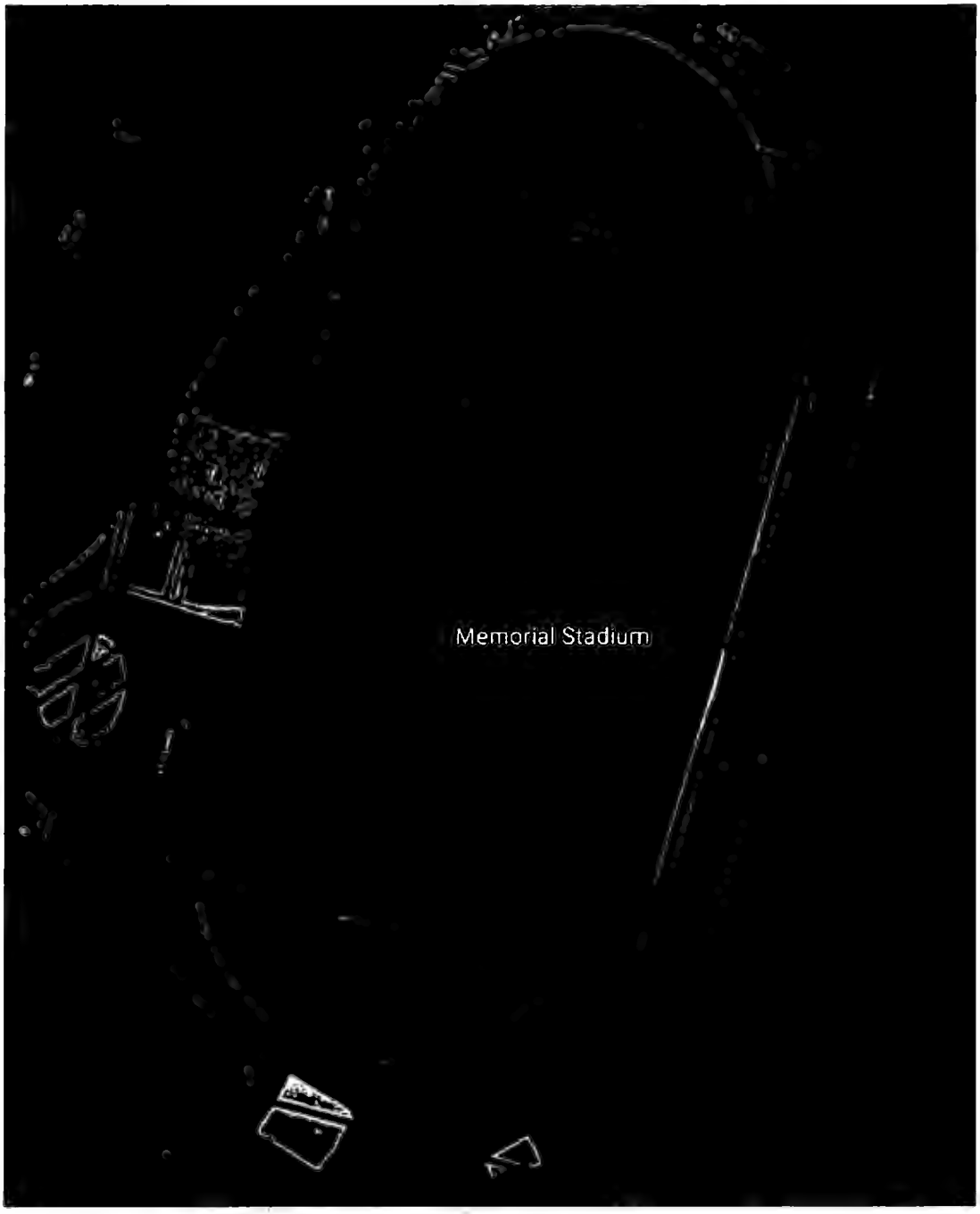
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 49

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BREWS AND BEARS ON THE DATES OF FRIDAY, MAY 11, JULY 13, AND SEPTEMBER 14, 2018 FROM 5:30 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Brews and Bears.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Brews and Bears event area, as set forth in Exhibit A, attached.

   The Brews and Bears event area is within the boundaries of the WNC Nature Center, located at 75 Gashes Creek Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Brews and Bears on Friday, May 11, July 13 and, September 14, 2018 from 5:30 p.m. – 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified

wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Brews and Bears event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Brews and Bears event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Brews and Bears, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of February, 2018.

Magdalena Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalena Bowleson

286

EXHIBIT A

Alcohol Area

RESOLUTION NO. 18- 50

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST ON THE DATE OF SUNDAY, JUNE 10, 2018 FROM 11:00 AM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, Ordinance 4595 adopted by Council on July 25, 2017 permits sale of alcohol on Sundays beginning at 11:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville VeganFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville VeganFest event area, as set forth in Exhibit A, attached.

   The Asheville VeganFest event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville VeganFest on Sunday, June 10, 2018 from 11:00 a.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville VeganFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville VeganFest event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville VeganFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

EXHIBIT A

Alcohol Area

290

RESOLUTION NO. 18- 51

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOLA ASHEVILLE ON THE DATE OF SATURDAY, JUNE 23, 2018 FROM 12:00 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Hola Asheville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Hola Asheville event area, as set forth in Exhibit A, attached.

   The Hola Asheville event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Hola Asheville on Saturday, June 23, 2018 from 12:00 p.m. – 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Hola Asheville event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Hola Asheville event area, or elsewhere in

the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Hola Asheville, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Burleson
City Clerk

Mayor

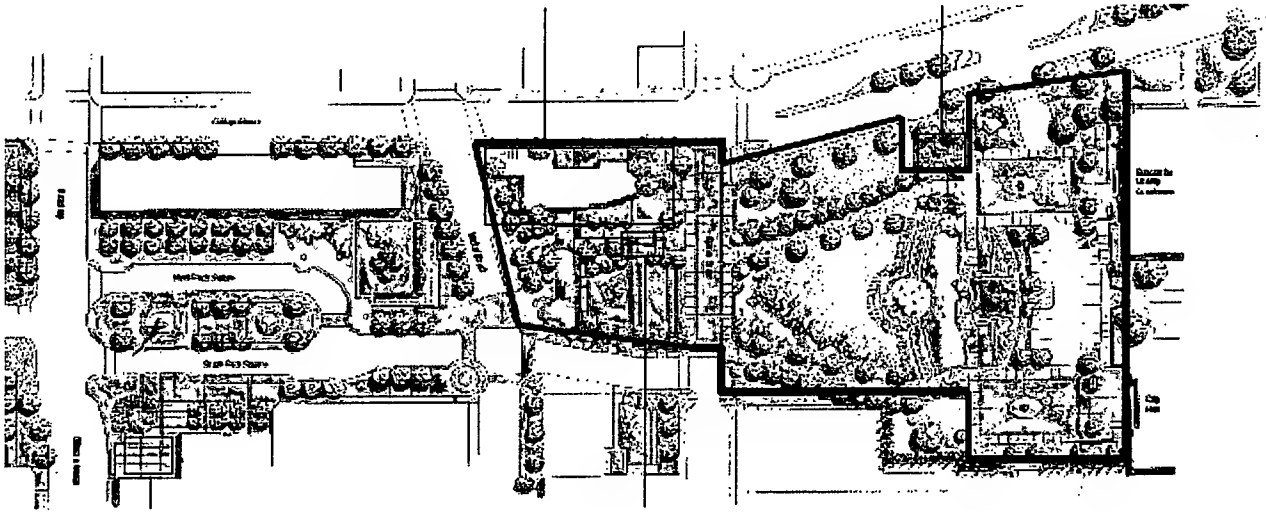
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

292

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18-52

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH BUCKEYE BRIDGE, LLC, FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT (NEP) AREA 3 WATER DISTRIBUTION SYSTEMS PHASE 2 PROJECT

WHEREAS, pursuant to N.C.G S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Neighborhood Enhancement Project (NEP) Area 3 Water Distribution Systems Phase 2 Project; and

WHEREAS, Buckeye Bridge, LLC, was the lowest responsible, responsive bidder for the Project, in the amount of $2,013,316; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 1,200 Linear Feet (LF) of 30-inch Ductile Iron Pipe (DIP) and 200 LF of 24-inch DIP located along Tunnel Road and Beaucatcher Road from Buckstone Place to Kenilworth Road in the Kenilworth Area, with related appurtenances required in order to complete the work; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid; and

WHEREAS, the funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Buckeye Bridge, LLC, for the NEP Area 3 Water Distribution Systems Phase 2 Project for the bid amount of $2,013,316 plus a 15% contingency in the amount of $301,998 for a total project budget in the amount of $2,315,314; and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock

RESOLUTION NO. 18-53

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH T & K UTILITIES, INC., FOR THE FAIRVIEW AREA WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Fairview Area Water System Improvements Project; and

WHEREAS, T & K Utilities, Inc., was the lowest responsible, responsive bidder for the Project, in the amount of $3,704,100; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of a 1.0 Million Gallons per Day (MGD) booster pumping station with three pumps, construction of a 0.5 Million Gallon (MG) ground storage tank on a concrete pedestal, the installation of four new pressure reducing valve (PRV) stations and the installation of approximately 1,400 Linear Feet (LF) of 12 and 8-inch ductile iron pipe (DIP) with related appurtenances required in order to complete the work; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid; and

WHEREAS, the funding needed for this agreement is currently allocated within the Fairview Service Area Waterline Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with T & K Utilities, Inc., for the Fairview Area Water System Improvements Project for the bid amount of $3,704,100 plus a 15% contingency in the amount of $555,615 for a total project budget in the amount of $4,259,715; and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 18-54

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH CDM SMITH, INC. FOR ENGINEERING SERVICES ASSOCIATED WITH WATER SYSTEM DISTRIBUTION PROJECTS - PROJECT 2

WHEREAS, pursuant to N.C.G S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and CDM Smith was selected to provide on-call professional services for Water Distribution and Storage Projects and the City entered into a Master Agreement on May 27, 2015 with CDM Smith, Inc.; and

WHEREAS, the City wishes to enter into a supplemental agreement under the terms of the Master Agreement to perform professional engineering services for the proposed amount of $884,124 plus a 10% contingency for a total of $972,537 for the Water System Distribution Projects - Project 2; and

WHEREAS, the project includes design for construction of approximately 10,600 Linear Feet of 24-inch water transmission main along Patton Avenue and all associated appurtenances; and

WHEREAS, the funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Supplemental Agreement with CDM Smith, Inc. for the proposed amount of $884,124 plus a 10% contingency for a total of $972,537 for the Water System Distribution Projects - Project 2; and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson

296

RESOLUTION NO. 18-55

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH MCGILL ASSOCIATES, PA FOR ENGINEERING SERVICES ASSOCIATED WITH WATER SYSTEM DISTRIBUTION PROJECTS - PROJECT 1

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City announced and advertised the requirements for the professional services project and McGill Associates, PA was selected to provide on-call professional services for water distribution and storage projects and City entered into a Master Agreement on April 28, 2015 with McGill Associates, PA; and

WHEREAS, the City wishes to enter into a supplemental agreement under the terms of the Master Agreement to perform professional engineering services for the proposed amount of $967,878.80 plus a 10% contingency for a total of $1,064,667 for the Water System Distribution Projects - Project 1; and

WHEREAS, the project includes (1) design for construction of approximately 1,700 Linear Feet (LF) of 48-inch transmission line and appurtenances along North Fork Road with separate tie-ins to the existing 36 and 24-inch transmission mains south and north of the NCDOT bridge, and (2) design for construction of approximately 13,300 LF of 12-inch water main, 700 LF of 24-inch transmission main and appurtenances along McDowell Street, Short McDowell Street and Meadow Road; and

WHEREAS, the funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Supplemental Agreement with McGill Associates, PA for the proposed amount of $967,878.80 plus a 10% contingency for a total of $1,064,667 for the Water System Distribution Projects - Project 1; and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowman
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowman

RESOLUTION NO. 18-56

RESOLUTION IN MEMORY OF REVEREND BILLY GRAHAM

WHEREAS, on behalf of the City of Asheville, we extend our sincere condolences over the passing of Reverend Billy Graham; and

WHEREAS, Reverend Billy Graham was a charismatic North Carolina pastor who preached to more than 200 million people in 185 countries, counseled presidents and led mass religious rallies that featured professional musicians and huge choirs, in venues ranging from a circus tent in Los Angeles to Yankee Stadium in New York; and

WHEREAS, Reverend Billy Graham held one of this famous religious rallies here in Asheville; and

WHEREAS, Reverend Billy Graham served as a counselor or minister to a dozen U.S. presidents and, had a close fellowship with Queen Elizabeth II and the Royal Family; and

WHEREAS, Reverend Billy Graham died on February 21, 2018;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville extends our sincere sympathies to his family and supporters upon the passing of Reverend Billy Graham.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
CMC

RESOLUTION NO. 18-57

RESOLUTION ON GUN VIOLENCE PREVENTION

WHEREAS, more than 150,000 students attending more than 170 primary and secondary schools have experienced a shooting on campus since the Columbine High School massacre in 1999; and

WHEREAS, from Columbine to Virginia Tech to Sandy Hook to Parkland, the lives of hundreds of students and school employees have been lost to the plague of gun violence; and

WHEREAS, on average, nearly two dozen children are shot each day in the United States; and

WHEREAS, the City of Asheville is committed to the health and safety of students, school employees, and all residents; and

WHEREAS, it is the City of Asheville's highest priority to create and maintain a respectful and healthy environment and the City is therefore, committed to reduce gun violence and fatalities. Doing so is necessary to helping all children thrive and remain safe at home, in school and throughout life;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville calls upon the United States Congress and state legislatures to prioritize the protection of students and school system employees and all city residents by all means necessary, including but not limited to enacting legislation in furtherance thereof beginning with a ban on the manufacturing, transferring and possession of assault weapons.

Read, approved and adopted this 27th day of February, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
By SC

RESOLUTION NO. 18-58

RESOLUTION CONCURRING IN THE CITY MANAGER'S RELEASE OF PERSONNEL INFORMATION

WHEREAS, on February 28, 2018, the Asheville Citizen Times published body-worn camera footage, recorded in late August of 2017, which showed a former Asheville Police Department ("APD") officer, Christopher Hickman ("Hickman"), using excessive force to arrest an individual on or near Biltmore Avenue in Asheville; and

WHEREAS, that recording was removed from the APD by an unknown source and provided to the Asheville Citizen Times, presumably by the same unknown source, and the Asheville Citizen Times has made the recording available to the public; and

WHEREAS, Hickman's employment from the City ended in January of 2018, and most of the information regarding the APD's response to the complaint of excessive force against Hickman, and APD's actions in response to Hickman's actions is properly classified as confidential personnel information pursuant to N.C. Gen. Stat. § 160A-168 and other applicable law, and is, therefore, not available to the public pursuant to North Carolina law; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-168(c)(7), the City Manager, "with concurrence" of the City Council may release certain information about employee personnel actions, under the circumstances set forth in that statute. The City Manager has determined and the Council concurs, that those circumstances exist in the current matter; specifically, that the release of the confidential personnel information included in Exhibit A attached hereto, and incorporated herein by reference, "is essential to maintaining public confidence in the administration of city services [and] to maintaining the level and quality of city services."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to N.C. Gen. Stat. § 160A-168(c)(7), the Asheville City Council hereby concurs with, agrees and encourages the City Manager's release of certain personnel information contained in Exhibit A, attached hereto.

Read, approved and adopted, this 5th day of March, 2018.

Magdalen Bowlson — City Clerk

Esther E. Manheimer — Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

300.

EXHIBIT A

DATE: March 5, 2018

TO: Asheville City Council

CC: Robin Currin, City Attorney
Maggie Burleson, City Clerk

FROM: Gary Jackson, City Manager

SUBJECT: Release of Personnel Information – N.C. Gen. Stat. § 160A-168(c)(7)

On February 28, 2018, the Asheville Citizen-Times published body-worn camera footage, recorded shortly after midnight on August 25, 2017, which showed an APD officer, Christopher Hickman, using excessive and dangerous force to arrest a man named Johnnie Rush who Hickman and an officer in training, Vinero Ruggerio, had stopped near Biltmore Avenue. The use of force shown in the recordings is, understandably, a source of great anger and concern within the community.

I am concerned that the public does not presently have access to all of the information necessary for it to judge the City's response to this officer's actions, and that absent that information, this matter will continue to negatively impact the community's perception of its police department and the way which the City responds to misconduct by its employees. The City Council has also directed that all information about this matter that can lawfully be shared should be provided to the public immediately. It is, therefore, my conclusion, with City Council's agreement and support, that the following information concerning this matter, provided to me by the APD, should be made available to the public.

On August 25, 2017, the Asheville Police Department ("APD") received a complaint by Johnnie Rush alleging that an APD Officer used excessive force during his arrest the previous evening. That same day, upon reviewing the same body-camera footage of the arrest that the public has now seen, Chief Hooper ordered that Hickman's law enforcement authority be suspended, and that he be taken off the street and placed on administrative duty. Hickman was ordered to turn in his badge and gun, and had no further interaction as a police officer with the public. Also that same day, Ruggerio, the trainee in the recording, was reassigned to a different training officer. Chief Hooper informed John Maddux from the City Attorney's Office about the incident on August 25, 2017, and within days informed Interim Assistant City Manager Jade Dundas as well.

On September 15, 2017, the APD took a copy of the recording to District Attorney Todd Williams for review. Upon reviewing the recording, Mr. Williams agreed with the APD that all charges then pending against Mr. Rush should be dismissed. A copy of the voluntary dismissal filed with the court is attached as Exhibit 1. At that time, Mr. Williams was informed that the APD's Professional Standards unit was conducting an administrative investigation into the matter.

In addition to ordering an administrative investigation regarding Hickman's use of force against Mr. Rush, Chief Hooper also ordered a review of all available footage captured by Hickman's camera during all other encounters with the public. This was a substantially more comprehensive review than is typically required by the APD's auditing process, whereby a supervisor reviews only a random sample of an officer's recordings each month to ensure they are following policy. This

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more comprehensive review of Hickman's recordings, which required personnel to review more than fifty-eight (58) hours of footage, revealed four other instances where Hickman displayed discourteous and rude conduct to members of the public, although no complaints had been filed related to those instances. The Professional Standards unit, in turn, initiated an additional administrative case focused solely on whether Hickman's rude and discourteous behavior in those other instances constituted a violation of the APD's policies requiring that officers treat members of the public with respect and courtesy, and avoid any action which might bring discredit on themselves or the department.

The APD's new use of force policy, which went into effect in April of 2017, requires that a supervisor respond to every use of force by an APD officer and conduct a preliminary investigation. That preliminary investigation should include, at a minimum, obtaining, or attempting to obtain, a statement from the subject of the force or injury and all witnesses at the scene; and, when applicable, photographing all areas of contact located on the subject to document the injuries or lack of injuries. During the course of its investigation into whether Hickman had used excessive force, the APD's Professional Standards unit learned that a supervisor responded to the scene that night to initiate a review of Hickman's use of force as required by APD policy. That supervisor, however, despite being told by Hickman that he struck Mr. Rush in the head with his Taser, and despite Mr. Rush saying that he was choked, did not immediately forward any information or complete notes of those interviews with Hickman and Rush, and did not review the body camera footage that evening. Because of conduct related to this incident, that

supervisor ultimately received discipline for unsatisfactory performance, and was ordered to undergo additional training.

The administrative investigation into Hickman's arrest of Rush concluded that Hickman had engaged in excessive force in violation of APD policy, as well as unbecoming conduct and failing to meet the responsibilities of duty. The additional administrative investigation, which was initiated following review of all other available body-worn camera footage recorded by Hickman, also concluded that Hickman had engaged in rude and discourteous behavior on four other occasions. Both administrative cases were complete and sent to the Division Commander for review on or about December 15, 2017, followed by a Deputy Chief's review which was complete on December 17, 2017. After reviewing the administrative cases, Chief Hooper ordered that the Professional Standards unit contact Hickman to schedule a pre-disciplinary conference, which is required by City policy. Hickman received notification of that pre-disciplinary conference on December 27, 2017, and per standard procedure, was placed on investigative suspension that same day. Hickman's pre-disciplinary conference with Chief Hooper took place on January 2, 2018. Following that pre-disciplinary conference, it was Chief Hooper's decision that Hickman's employment would be terminated. On January 5, 2018, Chief Hooper met with Hickman to inform him of her decision to terminate his employment, however, at the beginning of that meeting, Hickman elected to resign before Chief Hooper provided Hickman with her written decision to terminate. A copy of the termination notice, which was drafted but not presented to Hickman, is attached as Exhibit 2.

The APD's administrative investigation of Mr. Rush's complaint complied with all required steps and procedures set forth in APD and City policies governing allegations of employee misconduct, including those policies which apply to claims of excessive force. Per APD policy, the department makes every effort to fully investigate all complaints within sixty (60) days of reception of the complaint. More complex investigations handled by the Professional Standards unit may, and often do, require additional time beyond the sixty days to complete. The investigation of this matter, due to its complexity, took approximately three and a half months to complete. Failure to follow the City's internal policies could result in substantial risk, including reinstatement by the Civil Service Board, if the officer is terminated.

Prior to Hickman's resignation, on December 19, 2017, Chief Hooper requested that District Attorney Williams review the recording a second time, together with an additional recording captured by another officer's camera, and provide an opinion about whether Hickman's conduct rose to the level of a criminal offense. After his further review, on January 10, 2018, Mr. Williams requested that the APD ask the SBI to initiate a criminal investigation as to whether Hickman had committed assault. A copy of District Attorney Williams' request to the APD is attached as Exhibit 3. On January 11, 2018, Chief Hooper sent the SBI a letter making that request. A copy of the APD's letter to the SBI is attached as Exhibit 4. On January 12, 2018, the SBI wrote the APD an email stating, in part, that, "The SBI is going to respectfully decline the request based on the completion of your four month internal investigation which has led to the resignation of Officer Hickman." A complete copy of the SBI's email is attached as Exhibit 5. Following

the SBI's refusal to investigate, Mr. Williams then requested that the APD conduct the criminal investigation instead. By law, information gained through an administrative investigation cannot be used to prosecute someone for a criminal violation. For that reason, on January 18, 2018, Chief Hooper assigned the criminal case to a detective in the APD's criminal investigations division to conduct a separate inquiry that could be used to charge Hickman with a criminal offense if the District Attorney so chose. That investigation is now nearly complete. Barring any unexpected developments, the APD expects to submit the case to the District Attorney within the next week to determine whether Hickman should be criminally prosecuted, which is the District Attorney's decision.

The community deserves to know that the City takes Hickman's misconduct seriously, and that APD employees who engage in excessive force will be held accountable. For that reason, per N.C. Gen. Stat. § 160A-168(c)(7), I have determined that the release of the information contained in this document is essential to maintaining public confidence in the administration of city services, and request that the City Council concur in this decision. This fully accords with the strong direction I have received from the City Council that in all matters, especially those involving police, the City should be as transparent as possible to its citizens. City Council's concurrence includes that if I determine, at a later date, that the release of additional information is necessary to clarify or explain the reason for any personnel action described in this document, such information may be released pursuant to this written determination without further City Council action.

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EXHIBIT 1

STATE OF NORTH CAROLINA COUNTY OF BUNCOMBE

VOLUNTARY DISMISSAL

STATE VERSUS Johnnie RUSH

FILE NUMBER(S): 17 CR 89617; 17 CR 89618

CHARGE(S) 1st NUMBER: 2nd Degree Trespass; Impeding Traffic

CHARGE(S) 2nd NUMBER: Resisting Public Officer; AOGO

Explanation (optional): District Attorney discretion

The undersigned prosecutor enters a dismissal in the above charge(s).

Name of Prosecutor: Rodney G. Hasty

Signature of Prosecutor:

The message has been sent from 204.152.2.230 (United States) at 2017-09-15 16:31:57 on Chrome 60.0.3112.113
Entry ID: 46

EXHIBIT 2

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MEMORANDUM

TO: Officer Christopher Hickman

FROM: Tammy Hooper, Chief of Police

SUBJECT: Results of Administrative Investigations A2017-043 and C2017-017

DATE: January 5, 2018

CC: Peggy Rowe, Human Resources Director
Human Resources Personnel File

This memorandum is to officially notify you of the results of your pre-disciplinary conference held on January 2, 2018, in accordance with City of Asheville Personnel Policy Section 69.

On August 24, 2017, you, along with your trainee, Officer Verino Ruggerio, initiated a pedestrian stop on a citizen on Short Coxe Avenue in Asheville. The citizen initially fled from you, and you pursued him into a parking lot adjacent to the roadway. There, you employed force against the citizen, including the use of your Taser, strikes with your fists and the Taser, and culminating with you placing the citizen in a chokehold prior to his being restrained with handcuffs.

The incident was recorded in its entirety by your body-worn camera, and a subsequent review of the video led to the Professional Standards Section conducting an administrative investigation to determine whether your actions were within policy. I also directed the Professional Standards Section to review all available body-worn camera footage associated with arrests made by you.

The Professional Standards Section investigations found demonstrable evidence that the force used by you on August 24, 2017 was excessive and not within policy, and the review of the body-worn camera footage revealed a pattern of behavior that was unbecoming that of an officer at this agency. These findings led to the recommendation that the allegations of violations of Rule of Conduct P-4, Use of Force, P-8, Responsibilities of Duty, and P-1, Unbecoming Conduct be classified as being sustained. Your Division and Bureau Commanders reviewed the investigative files and concurred that all of the recommended allegations should be sustained, and both command recommended that your employment with the agency should be terminated.

Based upon my review of the Professional Standards Section investigative files and the information provided by you at your pre-disciplinary conference, I have determined that your conduct and performance violated the following City and Asheville Police Department policies:

- P-1, Unbecoming Conduct
- P-4, Use of Force

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- P-8, Responsibilities of Duty

As a result, you are hereby informed that your employment with the City of Asheville is terminated, effective immediately. This was not an easy decision; however, I believe this is in the best interests of the citizens we serve, the members of this department and the City.

Please return all City and APD property to Logistics Sergeant Wade Cecil by Friday, January 12, 2018 at 12:00 noon.

Pursuant to the City of Asheville Personnel Policy, Section 69, you have the right to appeal this decision to the City Manager within twelve (12) calendar days of today's date.

By order of:

_____

Tammy Hooper

Chief of Police

EXHIBIT 3

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State of North Carolina
General Court of Justice
Twenty-eight Prosecutorial District

TODD M. WILLIAMS
DISTRICT ATTORNEY

P. O. BOX 7158
ASHEVILLE, NC 28802

SIXTH FLOOR COURTHOUSE
TELEPHONE: (828) 259-3410
FAX: (828) 259-3411

January 10, 2018

Chief Tammy Hooper
Asheville Police Department

In re: APD Officer Chris Hickman

Dear Chief Hooper:

I am writing you to request that your office initiate a criminal investigation of the above-named officer. I reviewed body-worn camera footage of an arrest made by this officer of a subject named Johnnie Rush and am concerned that a violation of North Carolina law may have occurred.

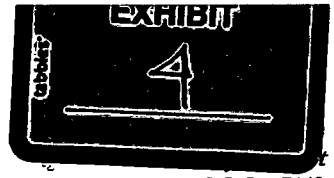
If you have questions or concerns please do not hesitate to call.

Sincerely,

Todd M. Williams

District Attorney

310.



P.O. Box 7148
Asheville, NC 288
(828) 252-11
www.ashevillenc.g

January 11, 2018

James M. Schandevel
Special Agent in Charge
North Carolina State Bureau of Investigation
900 Alliance Court
Asheville, NC 28806

SAC Schandevel:

On January 10, 2018, Buncombe County District Attorney Todd Williams requested that the Asheville Police Department ("the APD") initiate an investigation as to whether former APD officer Christopher Hickman, who resigned from his position as an APD officer on January 5, 2018, violated North Carolina law when arresting Johnnie Rush on August 24, 2017. Mr. Williams' request follows his review of relevant body-camera footage.

The APD has already conducted an administrative investigation of this matter, so in order to ensure that administrative investigation remains separate from the criminal inquiry, and in interest of fairness and impartiality, by this letter, I am requesting that the SBI undertake the criminal investigation requested by Mr. Williams pursuant to N.C. Gen. Stat. § 143B-917.

Best Regards,

Tammy Hooper
Chief of Police, Asheville Police Department

THE CITY OF ASHEVILLE

Lt. Sean Aardema <saardema

EXHIBIT 5

RE: Confidential

1 message

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Schandevel, James <Jschandevel@ncsbi.gov> Fri, Jan 12, 2018 at 1:24 PM
To: "Lt. Sean Aardema" <saardema@ashevillenc.gov>
Cc: Tammy Hooper <thooper@ashevillenc.gov>, John Maddux <JMaddux@ashevillenc.gov>

Lt. Aardema,

I have received both letters of request for the SBI to conduct a criminal investigation into possibly bringing charges against Asheville Police Officer Christopher Hickman for his actions that took place on August 24, 2017.

The SBI is going to respectfully decline the request based on the completion of your four month internal investigation which has led to the resignation of Officer Hickman.

If you have further questions please do not hesitate to call.

Respectfully,

Jim Schandevel

Special Agent in Charge
North Carolina State Bureau of Investigation
Western District
900 Alliance Ct. Asheville, NC 28806
828-654-8901 (Asheville Office)
828-329-8566 (Cell)
jschandevel@ncsbi.gov

From: Lt. Sean Aardema [mailto:saardema@ashevillenc.gov]
Sent: Thursday, January 11, 2018 1:55 PM
To: Schandevel, James
Cc: Tammy Hooper; John Maddux
Subject: Confidential

312 Special Agent in Charge Schandeve.,

Attached you will find the formal request letter from Chief Hooper that you and I discussed in our conversation yesterday, along with a copy of a letter of concurrence from District Attorney Williams. Please let me know if there is any further assistance that our office can provide to you in this matter.

Thank you,

Lieutenant Sean Aardema

Professional Standards Section

Asheville Police Department

Phone: 828-259-5791

Fax: 828-250-8856

saardema@ashevillenc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

RESOLUTION NO. 18-59

RESOLUTION SUPPORTING THE N.C. DEPT. OF TRANSPORTATION IN MAKING IMPROVEMENTS AT THE INTERSECTION OF US 25 (HENDERSONVILLE ROAD) AND SR 3503 (OVERLOOK ROAD)

WHEREAS, the N.C. Dept. of Transportation (NCDOT) has identified a need to make improvements at the intersection of US 25 (Hendersonville Road) and SR 3503 (Overlook Road); and

WHEREAS, the NCDOT is funding, designing, and constructing the improvements; and

WHEREAS, one of the improvements includes a sidewalk along the southbound approach of US 25 (Hendersonville Road) from SR 3503 (Overlook Road) to HomeTrust Bank; and

WHEREAS, the City of Asheville agrees to maintain the sidewalk once construction is completed;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville supports the N.C. Dept. of Transportation in funding, designing, and constructing improvements at the intersection of US 25 (Hendersonville Road) and SR 3503 (Overlook Road) in South Asheville.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-60

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANZIATION FOR FUNDING FOR FISCAL YEAR 2019 THROUGH FISCAL YEAR 2021 FOR THREE SIDEWALK PROJECTS, TWO GREENWAY PROJECTS, SIX REPLACEMENT BUSES, AND FOUR EXPANSION BUSES AND ACCEPT SUCH GRANTS AND EXECUTE ALL NECESSARY AGREEMENTS

WHEREAS, the City has the authority, pursuant to N.C.G.S. § 160A-17.1, to apply for and receive grants from other governmental entities and to enter into contracts for the administration of said grants; and

WHEREAS, the French Broad River Metropolitan Planning Organization (MPO) is soliciting requests for transportation capital projects and is currently providing competitive funding; and

WHEREAS, the City of Asheville has identified three sidewalk projects, two greenway projects, bus replacement, and bus expansion as transportation projects that are eligible for these funds; and

WHEREAS, if awarded, funding agreements will be executed between the City and the granting and administering agencies prior to receipt of the grant; and

WHEREAS, the required local match will need to be programmed in the FY 2019, FY 2020, and FY 2021 budgets;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to apply for approximately $18,000,000 in FY 2019, FY 2020, and FY 2021 funding from the French Broad River MPO for transportation capital projects with a total cost of approximately $22,000,000.

2. The City Council authorizes the City Manager to execute agreements between granting or administering agencies and the City to accept the grant.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-61

RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF BATTERY-ELECTRIC TRANSIT BUSES AND ASSOCIATED CHARGING INFRASTRUCTURE

WHEREAS, N.C.G.S. § 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. § 143-129(e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of N.C.G.S. § 143-129(e), states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, Proterra, INC is the only electrical bus manufacturer that the City of Asheville may contract with in order to meet the provisions as defined in the Notice of Funding Opportunity (NOFO) details of Federal Register 82 FT 19447 (FY 2017 Competitive Funding Opportunity: Low or No Emission Grant Program); and

WHEREAS, on January 9, 2018, City Council approved the FY18 budget amendment for the purchase of electric buses and chargers;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the purchase of Proterra Inc electric buses and charging infrastructure as permitted under N.C.G.S. 143-129(e)(6) without formal bidding as the product is available from only one source of supply.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 18-62

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY CONSTRUCTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE UPPER GRASSY BRANCH EXT. BRIDGE NO. 686 WATERLINE RELOCATION PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-17.1, the City of Asheville is authorized to make contracts for and accept grants in aid and loans from federal and state governments and their agencies for constructing, expanding, monitoring and operating any project or facility or performing any function, which such city may be authorized by law to provide or perform; and

WHEREAS, the NCDOT is going to make street and highway improvements to a Bridge No. 686 over Upper Grassy Branch Ext. in Buncombe County, which constitutes the need for adjustment or relocation of City of Asheville municipal waterlines within the NCDOT right-of-way; and

WHEREAS, as a condition of the installation, operation and maintenance of waterlines within the NCDOT right-of-way, the City of Asheville Water Resources Department is responsible for 100% of the cost associated with adjustment or relocation of said waterlines at NCDOT's estimate of $81,580; and

WHEREAS, by execution of the Utility Construction Agreement with NCDOT to include the adjustment or relocation of City of Asheville municipal waterlines in NCDOT's construction contract, it provides the best possible means to cause the required adjustment or relocation of said waterlines; and

WHEREAS, the funding needed for this agreement is currently allocated within the NCDOT Project in the Water Resources Capital Improvement Projects (CIP) Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Utility Construction Agreement with the North Carolina Department of Transportation (NCDOT) for the estimated amount of $81,580 plus a 10% contingency for a total project budget of $89,738 for the Upper Grassy Branch Ext. Bridge No. 686 Waterline Relocation Project.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 18-63

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROGERS GROUP, INC. FOR THE PROJECT KNOWN AS YEAR 2 BOND RESURFACING

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Year 2 Bond Resurfacing project, City of Asheville Project #X-1711; and

WHEREAS Rogers Group, Inc. of Nashville, TN was the lowest responsible bidder for the project, and

WHEREAS Roger Group, Inc. shall provide all labor, materials and equipment for the removal and installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps, Sidewalk Improvements and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $1,831,450.45 and the monies have been budgeted in the General Obligation Bonds; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $1,831,450.45 plus a contingency $366,290.09 (20%) with Rogers Group, Inc. for the Year 2 Bond Resurfacing project, City of Asheville Project # X-1711.

Read, approved and adopted this the 13th day of March 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 18- 64

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH EQUINOX ENVIRONMENTAL FOR THE PROJECT KNOWN AS ASHEVILLE TREE AND RIPARIAN ENHANCEMENT PLAN

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, Asheville City Council desires to create a cleaner, healthier environment, and a well planned and livable community, as adopted in the 2036 Vision; and

WHEREAS, Equinox Environmental was chosen through a qualifications based selection process as the most qualified to perform the services; and

WHEREAS, the project known as the Tree and Riparian Enhancements Plan is completely funded via a grant from the Duke Water Resources Fund; and

WHEREAS, the project aligns with the Wilma Dykeman RiverWay Master Plan, and adopted City plan for the French Broad and Swannanoa River Corridors;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Equinox Environmental to create a Tree and Riparian Enhancements Plan for the RADTIP area for an amount not to exceed $50,000.

Read, approved and adopted this the 13th day of March, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18- 65

RESOLUTION ADOPTING AN ORDER TO PERMANENTLY CLOSE A SECTION OF PEACHTREE STREET (JAKE RUSHER PARK)

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close a portion of Peachtree Street (Jake Rusher Park); and

WHEREAS, City Council on the 13th day of February, 2018, adopted a Resolution of Intent to permanently close a portion of Peachtree Street (Jake Rusher Park), and ordering a public hearing on the question of the closing for the 13th day of March, 2018, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent to close and order for public hearing was prominently posted at two locations along the portion of Peachtree Street (Jake Rusher Park); and

WHEREAS, the City Council held a public hearing on the closure on March 13, 2018, and, following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Pursuant to North Carolina General Statutes Sec 160A-299, the City Council hereby adopts an order closing a portion of Peachtree Street (Jake Rusher Park) described as follows:

Description of that portion of Peachtree Street proposed to be closed:

That portion of Peachtree Street in Royal Pines between City of Asheville property of Jake Rusher Park, 132 Peachtree Street, Asheville, NC 28704 Parcel Identification Number 96544354725 Deed Book 4158 Page 1733 Plat Book 7 Page 62 Sycamore Drive South to South Edge of City of Asheville property at 139 Peachtree Street same deed. More particularly described as the following:

320.

BEGINNING at a rebar and cap "Jo/11111y White L-4304" with NAD83(2011) NC State plane Coordinates Northi11g = 646,032. 70 sFT, Easting = 953,340.80 sFT in the intersection of the southem margin of Sycamore Drive and the eastern margin of Peachtree Street being South 72 degrees 15 minutes 07 seconds West 274.09feet from NCGS Monument "Royal Pines PID AA5670 Coordinates Northing 646,116.17 sFT, Easting 953,601.87 sFT. Thence with said beginning on a curve to the left with the eastern 111argin of Peachtree Street Radius 42.04feet, Arc length 57.90feet, Chord South 30 degrees 49 minutes 24 seconds West 53.43feet to a point; thence South 09 degrees 35 minutes 59 seconds East 113.08feet to a point; thence South 08 degrees 18 minutes 52 seconds East 199.60feet to an iron pipe 1.0foot below grade; thence South 08 degrees 23 minutes 35 seconds East I 06.17feet to a rebar and cap Hampton-Hintz 1.0 below grade; thence South 81 degrees 36 minutes 25 seconds West 50.00feet across Peachtree Street to the West margin of Peachtree Street and a rebar and cap "Johnny White L-4304 ";thence with the West margin of Peachtree Street North 08 degrees 23 111inutes 35 seconds West 106.17feet to apoint; thence North 08 degrees 18 minutes 52 seconds West 199.1J feet to apoint; thence North 09 degrees 35 minutes 59 seconds West 84.08feet to apoint; thence on a curve to the left Radius 4J .04feet, Arc length 69.73feet, Chord

North 58 degrees 16 minutes 44 seconds West 6J .64feet to a Magnetic Nail in the intersection of the western margin of Peachtree Street and the southern mmgin of Sycamore Drive; thence with across Peachtree Street 011 a curve to the right Radius 700.88feet, Arc Length 134.J 9feet, Chord North 68 degrees 09 minutes J 2 seconds East 133.99feet to the Point of Beginning.

2. A certified copy of this resolution and order shall be filled in the office of the Buncombe County Register of Deeds.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bradley
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

RESOLUTION NO. 18- 66

RESOLUTION ADOPTING AN ORDER TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY LOCATED NEAR 85 DEAVER STREET

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unopened right of way near 85 Deaver Street; and

WHEREAS, City Council on the 13th day of February, 2018, adopted a Resolution of Intent to permanently close an unopened right of way near 85 Deaver Street, and ordering a public hearing on the question of the closing for the 13th day of March, 2018, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the portion of an unopened right of way near 85 Deaver Street; and

WHEREAS, the City Council held a public hearing on the closure on March 13, 2018, and, following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Pursuant to North Carolina General Statutes Sec 160A-299, the City Council hereby adopts an order closing an unopened r/w located near 85 Deaver St. described as follows:

Description of that portion of Deaver St proposed to be closed:

That portion of Deaver Street shown as the "Unopened Road, A 10-foot wide alley as shown on Plat Book 154, Page 110 bounded by the following described line:

Beginning at a rebar marking the most northerly corner of Lot 1 of said Plat Book 154, Page 110, also being the most northerly corner of Lot 1, Plat Book 174, Page 118, said point lying on the easterly line of Lot 1, Plat Book 134 Page 175; thence N16°09'E along said easterly line, 14.51 feet to a rebar marking a bend in said easterly line, said point also being the most westerly corner of Lot A, Plat Book 97, Page 152 and Lot 10, Block 1, Plat Book 134, Page 76; thence S52°15'E along the southerly line of said Lot A and the southerly line of Deed Book 4875, Page 778, also being the southerly line of Blocks 1 and 2, Plat Book 134, Page 76, 220.34 feet to a rebar on the westerly right-of-way of Deaver Street; thence S25°08'W along said right-of-way, 12.30 feet to a rebar marking the easterly corner of said Lot 1, Plat Book 174, Page 118, also being the easterly corner of Lot 1, Plat Book 154, Page 110; thence N52°38'30"W along the northerly line of said Lot 1, Plat Book 174, Page 118 and Lot 1, Plat Book 154, Page 110, 217.69 feet to the point of beginning.

Said alley as described contains 2,800 square feet or 0.064 acres and is subject to MSD sewer and other easements of record.

2. A certified copy of this resolution and order shall be filled in the office of the Buncombe County Register of Deeds.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson

RESOLUTION NO. 18- 67

RESOLUTION ADOPTING AN ORDER TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY LOCATED AT THE END OF DEAVER STREET SOUTH OF HOWARD STREET

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unopened r/w located at the end of Deaver St south of Howard St. and

WHEREAS, City Council on the 13th day of February, 2018, adopted a Resolution of Intent to permanently close an unopened right of way located at the end of Deaver Street south of Howard Street, and ordered a public hearing on the question of the closing for the 13th day of March, 2018, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right of way located at the end of Deaver Street south of Howard Street; and

WHEREAS, the City Council held a public hearing on the closure on March 13, 2018, and, following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Pursuant to North Carolina General Statutes Sec 160A-299, the City Council hereby adopts an order closing an unopened r/w located at the end of Deaver St south of Howard St. described as follows:

DESCRIPTION OF A PORTION OF TWENTY (20) - FOOT ALLEY FOR PROPOSED CLOSURE

An area of land located in the City of Asheville, Buncombe County, North Carolina adjacent to Howard Street near its intersection with Haywood Road

and being a portion of an Unnamed Alley as shown on Plat Book 20 at Page 145 recorded in the Buncombe County Registry

Beginning on a 5/8-inch rebar with Ed Holmes & Associates identification cap (EHA rebar) found flush with the adjacent grade in the existing western right of way of an Unnamed Alley and being at the southeastern corner of the property described in Deed Book 4953 at Page 1132, Buncombe County Registry, said rebar having N.C. Grid NAD 83(2011) coordinates of Northing: 684730. 17 feet and Easting:
937196.27 feet; from the beginning point thus established and with the existing western right of way of the Unnamed Alley South 18°39'22" West, a distance of 56.59 feet to an EHA rebar found flush, said rebar at the southern terminus of the alley and being in the line of the property described in Deed Book 5412 at Page 1391, same registry; thence with the terminus of the alley South 85°00'24" East, a distance of 20.13 to an unmarked point; thence with the eastern right of way of the alley North 19°08'54" East, a distance of 51.66 feet to an unmarked point in the alley's eastern right of way; thence North 70°51'06" West, a distance of 20.00 feet to the point of Beginning.

Containing 1,070 +/- square feet or 0.025 +/- Acres per coordinate computation.

All bearings are relative to N.C. Grid NAD 83(2011) and all distances are horizontal ground distances in
U.S. survey feet unless otherwise noted.

2. A certified copy of this resolution and order shall be filled in the office of the Buncombe County Register of Deeds.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson

RESOLUTION NO. 18-68

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, Ms. Christine Longoria (Alternate member) on the Board of Adjustment, resigned, thus leaving an unexpired term until January 21, 2019; and

WHEREAS, Ms. Misty Miller (Alternate member) has resigned, thus leaving an unexpired term until January 21, 2020; and

WHEREAS, there currently exists an Alternate unexpired term until January 21, 2021, left by Mr. Paul Wilczynski, who was appointed as a regular member;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Sarah Katzmark, 150 Westwood Road, Asheville, N.C. be and she is hereby appointed as an Alternate Member of the Board of Adjustment, to serve the unexpired term of Ms. Longoria, term to expire January 21, 2019, or until her successor has been appointed.

Mr. Warrene Williams, 3502 Timber Trail, Asheville, N.C. be and he is hereby appointed as an Alternate Member of the Board of Adjustment, to serve the unexpired term of Ms. Miller, term to expire January 21, 2020, or until his successor has been appointed.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bowleson
CITY CLERK

Esther G Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson

RESOLUTION NO. 18-69

RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD

WHEREAS, Mr. Vic Fahrer has resigned as a member of the Noise Ordinance Appeals Board, thus leaving an unexpired term until July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Wayne Wheeler, 3 Highland Place, Asheville, N.C. be and he is hereby appointed as a member of the Noise Ordinance Appeals Board to serve the unexpired term of Mr. Fahrer, term to expire July 1, 2018, and then a full three-year term, term to expire July 1, 2021, or until his successor has been appointed.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 18- 70

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Zakiya Bell-Rogers has resigned as a member of the Recreation Board, thus leaving an unexpired term until June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Justin Thompson, 154 Murdock Avenue, Asheville, N.C. be and he is hereby appointed as a member of the Recreation Board to serve the unexpired term of Ms. Bell-Rogers, term to expire on June 30, 2018, and then a full three-year term, term to expire June 30, 2021, or until his success has been appointed.

Read, approved and adopted this 13th day of March, 2018.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson

328

RESOLUTION NO. 18- 71

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 5 WALNUT ORVIS PARTY ON THE DATE OF WEDNESDAY, APRIL 11, 2018 FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the 5 Walnut Orvis Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the 5 Walnut Orvis Party event area, as set forth in Exhibit A, attached.

The 5 Walnut Orvis Party event area is within the boundaries of Walnut Street between the intersections of Broadway and Carolina Lane.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the 5 Walnut Orvis Party on Wednesday, April 11, 2018 from 5:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the 5 Walnut Orvis Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the 5 Walnut Orvis Party event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the 5 Walnut Orvis Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bowleson
City Clerk

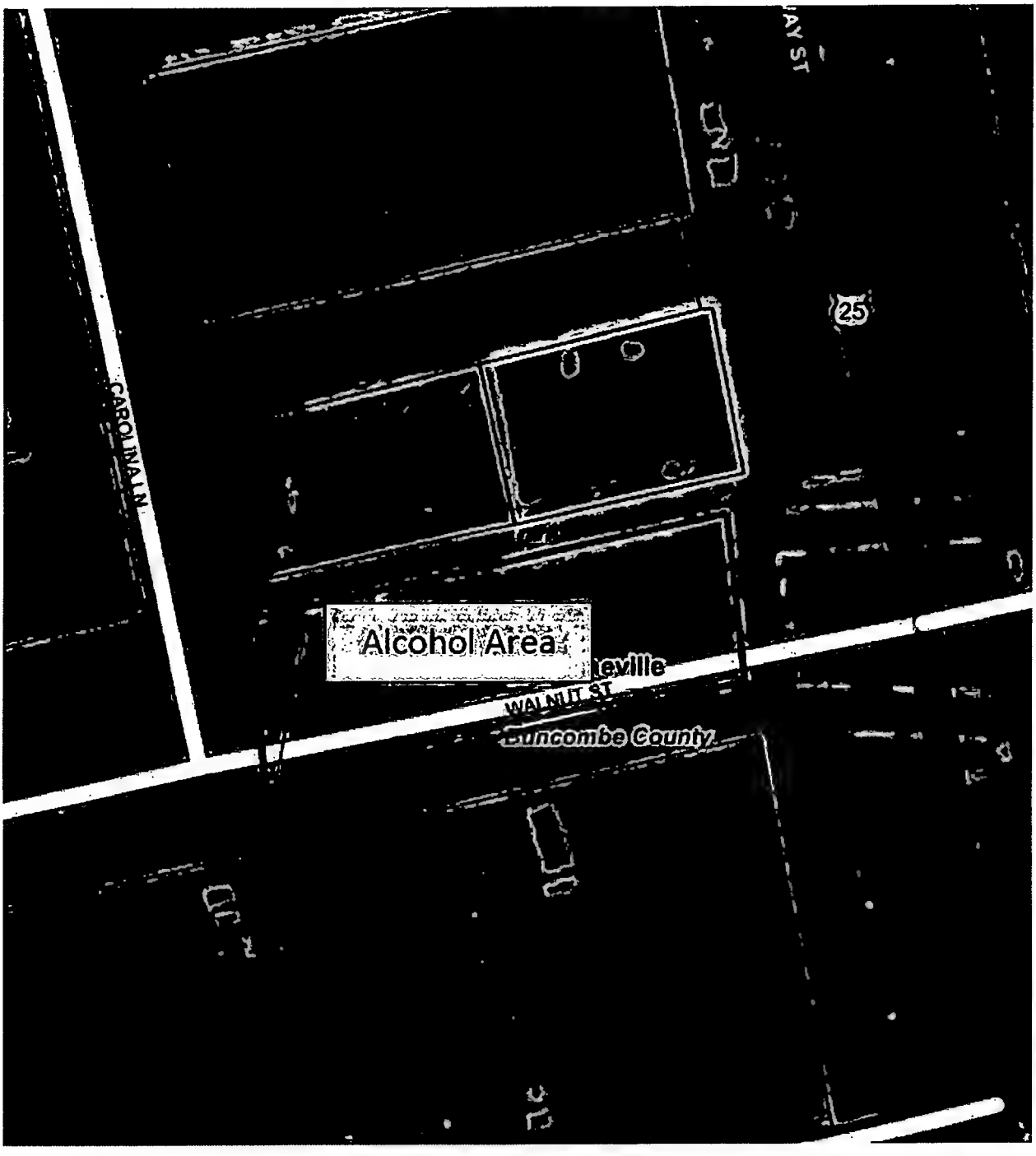
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A


AY ST
25
CAROLINA LN
Alcohol Area
eville
WALNUT ST
Buncombe County

RESOLUTION NO. 18- 72

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF FRIDAYS, MAY 18, JUNE 15, JULY 20, AUGUST 17, AND SEPTEMBER 21, 2018 FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Downtown After 5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Downtown After 5 event area, as set forth in Exhibit A, attached.

The Downtown After 5 event area is within the boundaries of Lexington Avenue between the I-240 overpass and Hiawassee Street intersection.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Downtown After 5 on Fridays, May 18, June 15, July 20, August 17, and September 21, 2018 from 5:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Downtown After 5 event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages

and/or unfortified wine shall be allowed in the Downtown After 5 event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Downtown After 5, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bowlson
City Clerk

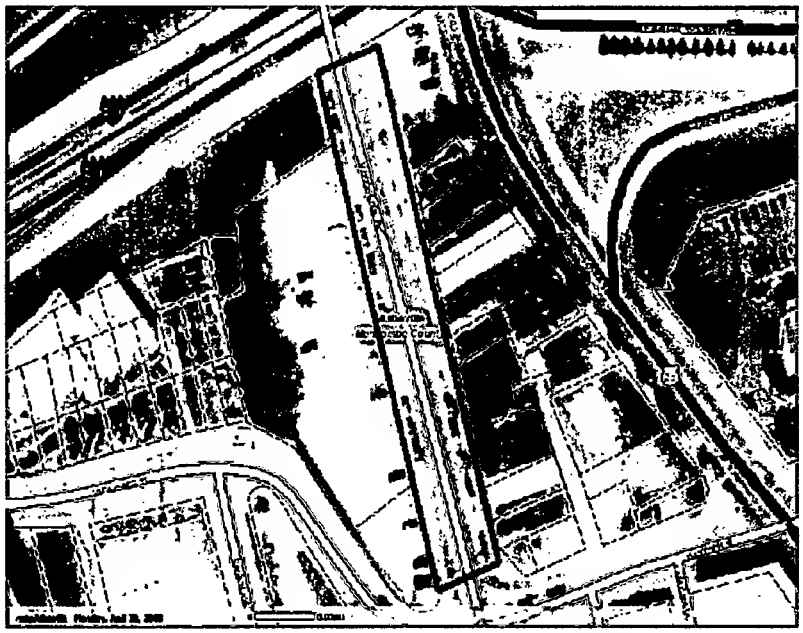
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A



Lexington Avenue (100 Block)

RESOLUTION NO. 18- 73

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL VILLAGE ON THE DATES OF FRIDAY, MAY 25, 2018 FROM 4:00 PM – 10:00 PM, SATURDAY, MAY 26, 2018 FROM 10:00 AM – 10:00 PM, AND SUNDAY, MAY 27, 2018 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Mountain Sports Festival Village.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Mountain Sports Festival Village event area, as set forth in Exhibit A, attached.

The Mountain Sports Festival Village event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Mountain Sports Festival Village on Friday, May 25, 2018 from 4:00 p.m. – 10:00 p.m., Saturday, May 26, 2018 from 10:00 a.m. – 10:00 p.m., and Sunday, May 27, 2018 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of

and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Mountain Sports Festival Village event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Mountain Sports Festival Village event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Mountain Sports Festival Village, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

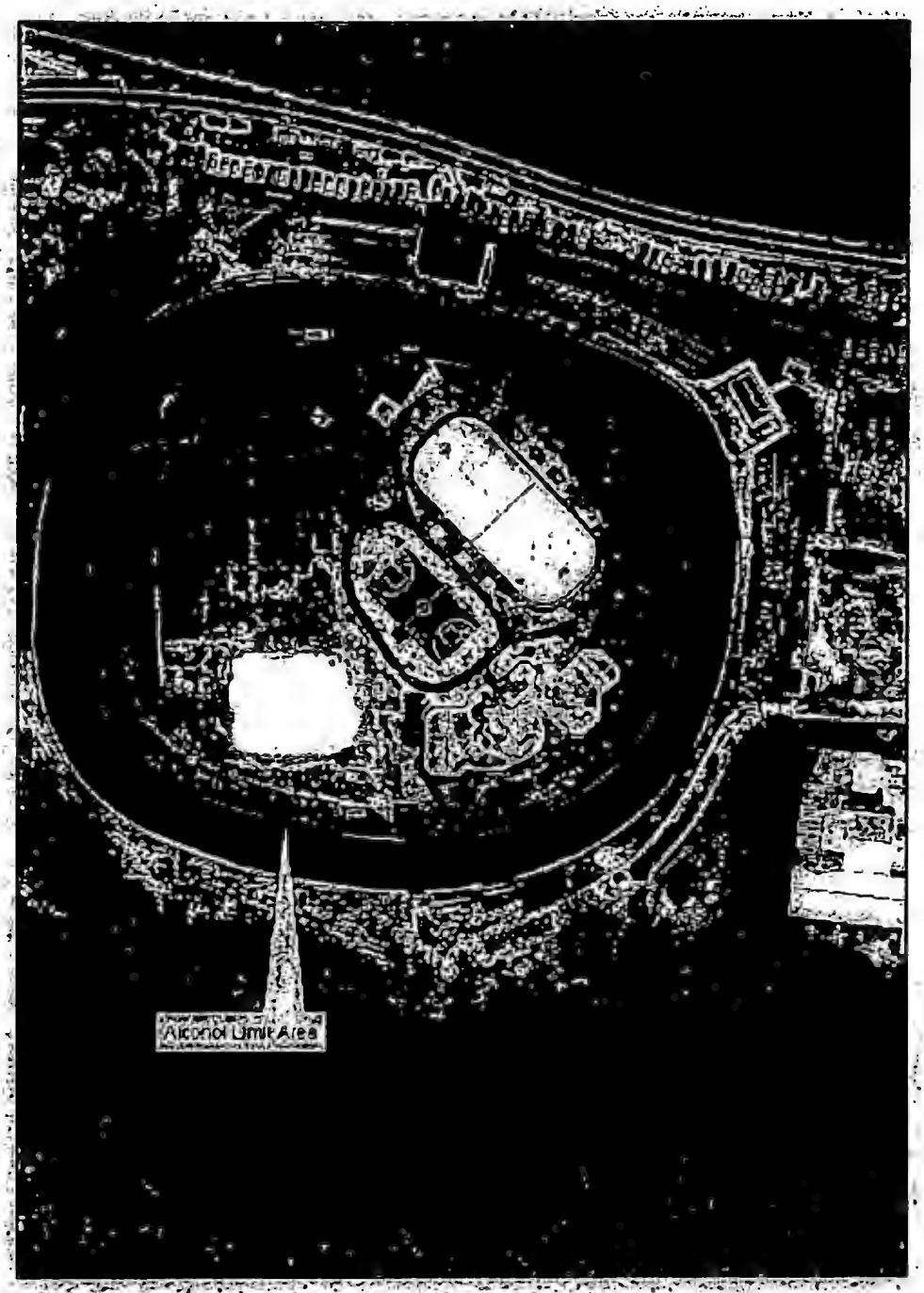
Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

336

EXHIBIT A



Carrier Park

RESOLUTION NO. 18- 74

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB PLAYOFF GAME 1.5 ON THE DATE OF THURSDAY, JULY 12, 2018 FROM 6:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville City Soccer Club Playoff Game 1.5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville City Soccer Club Playoff Game 1.5 event area, as set forth in Exhibit A, attached.

The Asheville City Soccer Club Playoff Game 1.5 event area is within the boundaries of the Memorial Stadium, located at 32 Buchanan Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville City Soccer Club Playoff Game 1.5 on Thursday, July 12, 2018 from 6:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville City Soccer Club Playoff Game 1.5 event area.

No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville City Soccer Club Playoff Game 1.5 event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville City Soccer Club Playoff Game 1.5, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bulleson
City Clerk

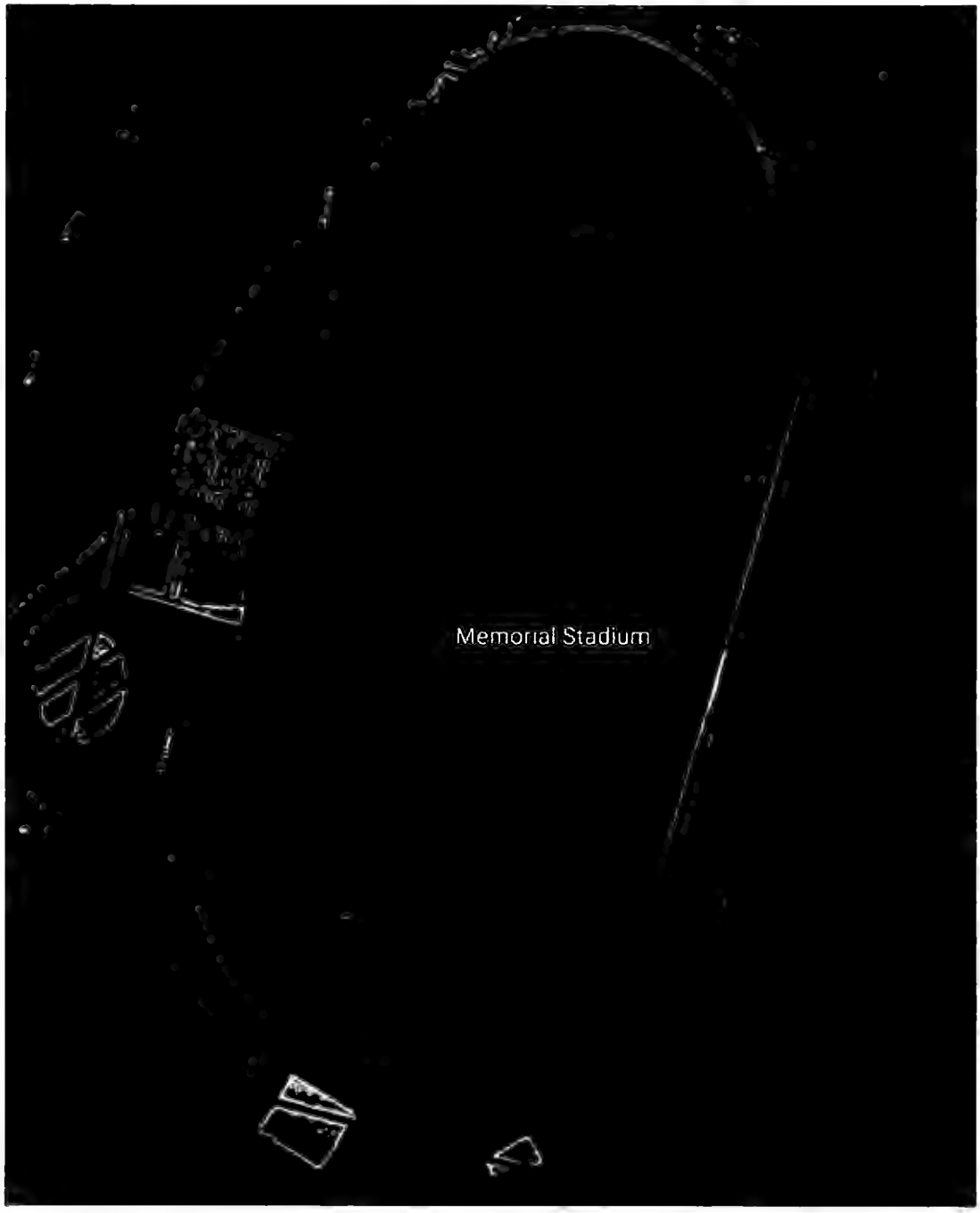
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18-75

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC. FOR THE CONSTRUCTION SERVICES NECESSARY FOR THE MORRIS STREET STORMWATER IMPROVEMENT PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Morris Street Stormwater Improvement Project; and

WHEREAS, the City of Asheville has a Stormwater Utility Fund designated to implement stormwater capital projects; and

WHEREAS, Patton Construction Group, Inc. of Arden, NC was the lowest responsive responsible bidder for the project; and

WHEREAS, Patton Construction Group, Inc. shall provide all labor, materials and equipment necessary to perform the construction activities outlined in the approved documents for the Morris Street Stormwater Improvement Project; and

WHEREAS, the majority of the funds for this contract were approved in the FY 2016-17 Stormwater Capital Project Fund budget and, simultaneously with adopting this Resolution, the City Council is adopting a Budget Ordinance Amendment, to approve all additional funds required for this contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract with Patton Construction Group, Inc. for the construction services necessary to perform the Morris Street Stormwater Improvement Project in the amount of $910,166.00 and to enter into change orders to this contract not to exceed an additional 15% of the original contract amount or $136,525.00.

Read, approved and adopted this the 10th day of April 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18- 76

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ENTER INTO, IF AWARDED, THREE FEDERAL EMERGENCY MANAGEMENT AGENCY GRANTS

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the Federal Emergency Management Agency (FEMA), has issued guidelines for the FY 2018 Assistance to Firefighters Grant (AFG), Staffing for Adequate Fire and Emergency Response Grant (SAFER), and Fire Prevention and Safety Grant and

WHEREAS, the Asheville Fire Department wishes to apply for the Assistance to Firefighters Grant (AFG) in an amount between $200,000 and $500,000 for the purchase of equipment, and

WHEREAS, the Asheville Fire Department wishes to apply for the Staffing for Adequate Fire and Emergency Response Grant (SAFER) in an amount between $300,000 and $750,000 to increase staffing capacity, and

WHEREAS, the Asheville Fire Department wishes to apply for the Fire Prevention and Safety Grant in an amount between $100,000 and $200,000 for equipment and programming.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into, if awarded, three Federal Emergency Management Agency grants.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion

342

RESOLUTION NO. 18-77

RESOLUTION AUTHORIZING THE ADOPTION OF THE 2017 LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355(l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Asheville (PWSID #: 01-11-010), has been developed and submitted to the Asheville City Council for approval; and

WHEREAS, the Asheville City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for the City of Asheville, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The 2017 Local Water Supply Plan for the City of Asheville is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

2. That the Asheville City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 18-78

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR TRANSIT PERFORMANCE MANAGEMENT REPORTING REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the United States Department of Transportation promulgated transportation planning regulations in 23 CFR 450.314; and

WHEREAS, the City of Asheville, as a recipient of Federal transit funds, must comply with all Federal transit regulations; and

WHEREAS, MPO(s), State(s), and providers of public transportation are required by 23 CFR 450.314 to cooperatively determine their mutual responsibilities in carrying out the performance-based planning and programming requirements established by federal law; and

WHEREAS, 23 CFR 450.314(h) requires that MPO(s), State(s), and providers of public transportation shall jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward achievement of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City of Asheville City Council authorizes the City Manager to enter into an agreement with French Broad River Metropolitan Planning Organization for transit performance management reporting required by the Federal Transit Administration.

Read, approved and adopted this 10th day of April 2018.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock

RESOLUTION NO. 18-79

RESOLUTION SUPPORTING A REVISION TO THE CONCEPTUAL CROSS-SECTION FOR SWEETEN CREEK ROAD IN THE ASHEVILLE IN MOTION (AIM) MULTIMODAL TRANSPORTATION PLAN

WHEREAS, the City adopted a Complete Streets policy in 2012 to incorporate Complete Street philosophy into street and travel way design; and

WHEREAS, crashes and crash injuries and fatalities impact our quality of life and regional economic vitality; and

WHEREAS, Council's Vision 2036 calls for "pedestrian oriented development" that is "harmonized with an integrated transportation system," as calls for "Sidewalks, greenways, and bike facilities get us where we want to go safely and keep us active and healthy"; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) is proposing to reconstruct and widen Sweeten Creek Road between Rock Hill Road and Hendersonville Road; and

WHEREAS, City staff analysis of the Asheville in Motion (AIM) Multimodal Transportation Plan for Sweeten Creek Road is inconsistent with best practices and local goals;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council authorizes a revision to the AIM cross-section recommendation for Sweeten Creek Road from Rock Hill Road to Hendersonville Road, specifically to include a physically-separated multi-use path along one side of Sweeten Creek Road with sidewalks along the other side, and shall incorporate a planted median.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson

RESOLUTION NO. 18-80

RESOLUTION APPROVING THE INCLUSION OF THE ELSIE BRIDGE AND REED CREEK AS CONNECTIONS IN THE NEIGHBORHOOD GREENWAY CONNECTORS SECTION OF THE TRANSPORTATION BOND FUNDS PROGRAM

WHEREAS, the City of Asheville adopted the Transportation Bond on December 13, 2016; and

WHEREAS, the Transportation Bond has a fund of one million dollars reserved for Greenway Extensions & Connectors projects intended to be used to close gaps in existing greenways and create connections to greenways from neighborhoods; and

WHEREAS, the two projects proposed ranked high in the qualification / decision making matrix and are time sensitive to comply with partner timelines; and

WHEREAS, the amount for the two projects is estimated to be $425,000 and the monies have been budgeted in the Transportation Bond budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City Manager is hereby authorized to use a portion of the Neighborhood Greenway Connectors funds of the Transportation Bond for the construction on two separate projects: 1) a portion of the Reed Creek Greenway and 2) a neighborhood connection within the Town Branch Greenway corridor, known as Elsie Bridge.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson

346

RESOLUTION NO. 18- 81

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AMEC FOSTER WHEELER FOR PROFESSIONAL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with Amec Foster Wheeler; and

WHEREAS, the City wishes to enter into an on-call contract for an initial term of one year with an option to renew for up to two additional one-year periods; and

WHEREAS, for the initial term, the total expenditure of said contract is not to exceed $250,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Amec Foster Wheeler not to exceed $250,000 during its initial term for professional services and is further authorized to execute any change orders to said contract or documents which may arise during performance of the contract up to the budgeted amount.

Read, approved and adopted this the 10th day of April, 2018.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock

RESOLUTION NO. 18- 82

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH S&ME, INC. FOR PROFESSIONAL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with S&ME, Inc.; and

WHEREAS, the City wishes to enter into an on-call contract for an initial term of one year with an option to renew for up to two additional one-year periods; and

WHEREAS, for the initial term, the total expenditure of said contract is not to exceed $250,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with S&ME, Inc. not to exceed $250,000 during its initial term for professional services and is further authorized to execute any change orders to said contract or documents which may arise during performance of the contract up to the budgeted amount.

Read, approved and adopted this the 10th day of April, 2018.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock

348

RESOLUTION NO. 18- 83

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WES COLE LAND SURVEYING PA FOR PROFESSIONAL SURVEYING SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with Wes Cole Land Surveying; and

WHEREAS, the City wishes to enter into an on-call contract for an initial period of one year with an option to renew for up to two additional one-year periods; and

WHEREAS, for the initial term, the total expenditure of said contract is not to exceed $100,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Wes Cole Land Surveying not to exceed $100,000 during its initial term for professional services and is further authorized to execute any change orders to said contract or documents which may arise during performance of the contract up to the budgeted amount.

Read, approved and adopted this the 10th day of April, 2018.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson

RESOLUTION NO. 18-84

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TELECOMMUNICATIONS & INDUSTRIAL CONSULTING SERVICES CORPORATION (TELICS) FOR RIGHT-OF-WAY AND EASEMENT ACQUISITION SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the proposed services were solicited via a Request for Proposals (RFP) process and TELICS was the highest rated firm under the criteria-based selection process; and

WHEREAS, the City wishes to enter into an on-call contract for a period of one year with an option to renew for up to two additional one-year periods; and

WHEREAS, for the initial term, the total expenditure of the contract is not to exceed $250,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with TELICS not to exceed $250,000 during its initial term for right-of-way and easement acquisition services and is further authorized to execute any change orders to said contract or documents which may arise during performance of the contract up to the budgeted amount.

Read, approved and adopted this the 10th day of April, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

RESOLUTION NO. 18-85

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A REVISED AGREEMENT WITH BUNCOMBE COUNTY FOR THE SHARE OF THE COSTS OF A COMPOST FEASIBILITY STUDY

WHEREAS, pursuant to § NCGS 160A-461, the City may enter into an interlocal agreement with another unit of government for any undertaking; and

WHEREAS, Buncombe County has currently completed a composting feasibility study, and the city has agreed to participate in that study; and

WHEREAS, on June 28, 2016, City Council approved an agreement to reimburse the County of one half the cost of the work; however, due to a typographical error, the resolution authorized payment of $37,000, not the total contract amount of $37,500;

WHEREAS, sustainability funds will be used for the Phase II study; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to enter into a revised agreement with Buncombe County for a share of the costs of a compost feasibility study in the total contract amount to $37,500.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bowlesson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson

RESOLUTION NO. 18-86

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK PATTERSON LEE, P.C., FOR THE U.S. CELLULAR CENTER HVAC DESIGN AND ENGINEERING SERVICES CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64, statements of qualification were solicited for the project known as the U.S. Cellular Center HVAC Design and Engineering Services Contract; and

WHEREAS, Clark Patterson Lee, P.C., was judged the best qualified firm for the Project; and

WHEREAS, the contract generally consists of design, planning, and construction administration services in order to renovate the U.S. Cellular Center HVAC and Mechanical Systems with the goals of improving building performance and energy efficiency, maximizing the available budget, and providing future planning;

WHEREAS, the City entered into a contract in the amount of $50,000.00 for the initial phase of the above-referenced work, and the City desires to amend said contract for an additional $215,000.00 in professional services necessary for the completion of the project; and

WHEREAS, the funding for the project is allocated within the TPDF Theater Project in the Capital Improvement Program Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Contract Amendment to the Professional Services Agreement with Clark Patterson Lee, P.C., for the contract amendment of $215,000, and total contract amount of $265,000, for design and engineering services for the U.S. Cellular Center HVAC Design and Engineering Services Contract, and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount of the project.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 18-87

RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council formal meetings held on June 12, 2018, and June 26, 2018, are hereby cancelled.

2. The City Council will hold a formal meeting on June 19, 2018, beginning at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION NO. 18- 88

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, two (2) qualified applications for Housing Trust Fund loans have been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposals from Workforce Homestead, Inc. and Mountain Housing Opportunities, Inc. and has made its recommendation to Council to approve the loans;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. A loan of $600,000 at 2% interest adjusted amortization to meet 1.15 debt-coverage ratio with principal deferred for twenty (20) years to Workforce Homestead, Inc. for the development of seventy (70) multifamily rental units at 1 Brookside Circle, known as Amaranth Apartments; approval is conditioned on the developer receiving appropriate City Planning and Zoning approvals and Low Income Housing Tax Credit (LIHTC) award; loan to be made immediately available for disbursement following loan closing per Housing Trust Fund Policy. Seventy (70) units are to be restricted to families earning 60% or less of the Area Median Income including voucher accepted (50% and 30% AMI) and shall have a twenty (20) year affordability period.

2. A loan of $1,800,000 at 2% interest only with principal deferred for ninety-nine (99) years to Mountain Housing Opportunities, Inc. for the development of eighty (80) multifamily rental units at 357 Hilliard Avenue; approval is conditioned on the developer receiving Low Income Housing Tax Credit (LIHTC) award; loan to be made immediately available for disbursement following loan closing per Housing Trust Fund Policy. Sixty (60) units are to be restricted to households earning 60% or less of the Area Median Income including voucher accepted (50% and 30% AMI) and shall have a ninety-nine (99) year affordability period.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion

RESOLUTION NO. 18-89

RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTE

WHEREAS, on December 19, 2017, City Council adopted Resolution No. 17-277 establishing an Audit Committee; and

WHEREAS, said members must have a minimum of 5 years of experience in the management of accounting, finance, or audit for corporation, non-profit, and/or govenment; and

WHEREAS, there must be at least two Certified Public Accountants and/or Certified Internal Auditors;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Amy Kemp, 25 N. Liberty Street, Asheville, N.C. be and she is hereby appointed as a member of the Audit Committee, to serve as one of the two Certified Public Accountants, to serve a three-year term, term to begin on May 1, 2018, and expire on May 1, 2021, or until her successor has been appointed.

Mr. Scott Farkas, 54 Barnard Avenue, Asheville, N.C. be and he is hereby appointed as a member of the Audit Committee, to serve as one of the two Certified Public Accountants, to serve an initial two year term, term to begin on May 1, 2018, and expire on May 1, 2020, or until his successor has been appointed.

Mr. Gail S. Miller, 101 Windsor Road, Asheville, N.C. be and she is hereby appointed as a member of the Audit Committee, to serve a three year term, term to begin on May 1, 2018, and expire on May 1, 2021, or until her successor has been appointed.

Mr. W. Scott Powell, 66 Lanvale Avenue, Asheville, N.C. be and he is hereby appointed as a member of the Audit Committee, to serve an initial two-year term, term to begin on May 1, 2018, and expire on May 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 18-90

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, Ms. Cindy Weeks, member of the Asheville Area Riverfront Redevelopment Commission, has resigned, thus creating a vacancy until January 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Tim Schaller, 46 Spears Avenue, Asheville, N.C. be and he is hereby appointed as a member of the Asheville Area Riverfront Redevelopment Commission (as a property or business owner in the Riverfront area) to serve the unexpired term of Ms. Weeks, term to expire January 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 10th day of April, 2018.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock

RESOLUTION NO. 18-91

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN-BUILD CONSTRUCTION AGREEMENT WITH B. ALLEN CONSTRUCTION, LLC., FOR THE WNC NATURE CENTER RED PANDA EXHIBIT AND BREEDING FACILITY

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1A, approval to use the Design-Build method was obtained (in accordance with City Resolutions 14-138 & 16-45) and a Request for Qualifications (RFQ) was issued for the project known as the WNC Nature Center Red Panda Exhibit and Breeding Facility; and

WHEREAS, B. Allen Construction, LLC., was the best qualified firm for the Project, with a negotiated fee for the initial design phase in the amount of $15,200.00 and a negotiated fee for the construction phase in the amount of $154,200.00, which yields a total contract in the amount of $169,400.00; and

WHEREAS, the contract generally consists of all labor, materials, and equipment to design and construct the Red Panda Exhibit and Breeding Facility; and

WHEREAS, the funding for the project is allocated within the Red Panda Exhibit and Breeding Facility Project in the Capital Improvement Program Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Contract Amendment for a Design-Build Construction Agreement with B. Allen Construction, LLC., for a contract amendment amount of $154,200.00, which yields a total contract amount of $169,400.00 for design and construction of the WNC Nature Center Red Panda Exhibit and Breeding Facility project, and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount, and further authorized to allocate in the budget a 10% construction cost contingency in the amount of $15,420.

Read, approved and adopted this 24th day of April, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-92

RESOLUTION IN SUPPORT OF FEDERAL CONGRESSIONAL ACTION TO ADOPT LEGISLATION FOR A CARBON FEE & DIVIDEND POLICY TO ADDRESS CLIMATE CHANGE

WHEREAS, the weight of scientific evidence indicates that greenhouse gas emissions from human activities, including the burning of fossil fuels, are causing rising global temperatures; and

WHEREAS, further increases in global temperatures pose imminent and substantial dangers to human health, the natural environment, the economy, and an unacceptable level of risk to the residents of Asheville; and

WHEREAS, phased carbon fees on greenhouse gas emissions are an efficient, transparent, and enforceable market-based mechanism to incentivize an effective and fair transition to a renewable-energy economy; and

WHEREAS, a carbon fee and dividend policy can stimulate investment in low carbon -energy technologies and give residents and businesses in Asheville a powerful incentive to increase energy efficiency and reduce carbon emissions; and

WHEREAS, dividends from carbon fees paid to households can ensure that families can continue to afford the energy they need during a transition to low carbon economy while simultaneously stimulating our local economy and adding jobs; and

WHEREAS, a carbon fee and dividend regime is one of many policies that could effectively reverse the unacceptable risks posed by greenhouse gas emissions.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville encourages Congress to enact legislation that address the significant risks posed by greenhouse gas emissions and that such legislation potentially include, but not be limited to, the following carbon fee and dividend policy components:

1. An annually increasing fee on carbon dioxide (or greenhouse gas equivalents) emissions produced by fossil fuels at the points of production and importation; and

2. A dividend system that returns all the net revenues generated from the carbon dioxide fee to citizens; and

3. Carbon-based fees and rebates for imports and exports to and from nations that have not implemented a carbon fee and dividend policy, which incentivises trading partners to adopt similar laws to reduce greenhouse gas emissions.

Read, approved, and adopted this the 24th day of April, 2018.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 18-93

RESOLUTION AUTHORIZING THE CITY MANAGER TO DIRECT STAFF TO MOVE FORWARD WITH THE CHARLOTTE STREETS IMPROVEMENTS PROJECT IMPLEMENTING OPTION 1 AND OPTION 3 RECOMMENDATIONS

WHEREAS, Charlotte Street is a city-maintained street that links vibrant local businesses and residential communities with downtown Asheville; and

WHEREAS, various studies and reports have proposed changes and improvements to the Charlotte Street corridor over the last twenty years; and

WHEREAS, City Council identified the North Charlotte Street corridor as an Asheville Innovation District in October of 2014; and

WHEREAS, the Charlotte Streets Improvements Project ("Project") has been listed in the General Capital Improvement Program since FY 2014-15 and includes the section of Charlotte Street between I-240 and Edwin Place; and

WHEREAS, on March 12, 2018 the Planning and Economic Development Committee ("PED") considered five options for moving the Project forward, and approved moving Option #1 and Option #3 to City Council for review and consideration; and

WHEREAS, Option 1 is a road diet only approach which consists of issuing an RFQ for engineering services to use programmed capital funds to produce construction drawings to implement a road diet with bike lanes and pedestrian improvements as the preferred and priority treatment; and

WHEREAS, Option 3 is a tactical projects approach for the design and implementation of spot neighborhood safety, pedestrian and streetscape improvements along the Charlotte Street Corridor; and

WHEREAS, City Council also requests the Planning staff review the zoning and land uses in the Charlotte Street Corridor to identify possible changes that would enhance a multi-modal, pedestrian-oriented experience; and

WHEREAS, the City of Asheville has budgeted $1,250,000 for capital improvements for Charlotte Street;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to direct staff to move forward with the Charlotte Streets Improvements project that is listed in the adopted General Capital Improvement Program implementing Option 1 and Option 3 recommendations.

Read, approved and adopted this 24th day of April, 2018.

Magdalen Bowlson
City Clerk

Approved as to form:

City Attorney

Edwin E. Hooker
Mayor

Magdalen Bowlson
City Clerk

360

RESOLUTION NO. 18-94

RESOLUTION APPROVING THE ISSUANCE OF UP TO $12,500,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR LEDGEWOOD VILLAGE APARTMENTS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE

WHEREAS, the City Council (the "City Council") of the City of Asheville, North Carolina (the "City") met in Asheville, North Carolina at 5:00 p.m. on the 15th day of May, 2018; and

WHEREAS, the Housing Authority of the City of Asheville, North Carolina (the "Issuer") has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed $12,500,000 (the "Bonds"), for the purpose of financing the acquisition, rehabilitation and equipping by Ledgewood-Asheville Limited Partnership, a North Carolina limited partnership, or an affiliated or related entity (the "Borrower"), of a mixed income multifamily residential rental facility known as Ledgewood Village Apartments (the "Development"); and

WHEREAS, the Development consists of approximately 180 units located in 27 residential buildings at 15 Future Drive, Asheville, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Issuer for the Development may only be issued after approval of the plan of financing by the City Council of the City following a public hearing with respect to such plan; and

WHEREAS, on April 25, 2018, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

1. The proposed issuance by the Housing Authority of the City of Asheville of its multifamily housing revenue bonds in an amount not to exceed $12,500,000 to finance, in part, the costs of acquisition, rehabilitation and equipping of the Development described above by the Borrower is hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

Read, approved and adopted this this the 15th day of May, 2018.

Magdalen Bardeson
CITY CLERK

Edna E. Marks
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bardeson
City Clerk

362

RESOLUTION NO. 18-95

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY CONSTRUCTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE BRIDGE NO. 217 OVER GRASSY BRANCH ON SR 2402 (OLD FARM SCHOOL ROAD) WATERLINE RELOCATION PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-17.1, the City of Asheville is authorized to make contracts for and accept grants in aid and loans from federal and state governments and their agencies for constructing, expanding, monitoring and operating any project or facility or performing any function, which such city may be authorized by law to provide or perform; and

WHEREAS, the N.C. Dept. of Transportation (NCDOT) is going to make street and highway improvements to Bridge No. 217 over Grassy Branch on SR 2402 (Old Farm School Road) in Buncombe County, which constitutes the need for adjustment or relocation of City of Asheville municipal waterlines within the NCDOT right-of-way; and

WHEREAS, as a condition of the installation, operation and maintenance of waterlines within the NCDOT right-of-way, the City of Asheville Water Resources Department is responsible for 100% of the cost associated with adjustment or relocation of said waterlines at NCDOT's estimate of $153,680; and

WHEREAS, by execution of the Utility Construction Agreement with NCDOT to include the adjustment or relocation of City of Asheville municipal waterlines in NCDOT's construction contract, it provides the best possible means to cause the required adjustment or relocation of said waterlines; and

WHEREAS, the funding needed for this agreement is currently allocated within the NCDOT Project in the Water Resources Capital Improvement Projects (CIP) Fund.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Utility Construction Agreement with the North Carolina Department of Transportation (NCDOT) for the estimated amount of $153,680 plus a 10% contingency for a total budget of $169,048 for the Bridge No. 217 over Grassy Branch on SR 2402 (Old Farm School Road) Waterline Relocation Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the estimated budgeted amount.

Read, approved and adopted this 15th day of May, 2018.

Magdalen Bourleson
City Clerk

Edwin G. Mark
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION 18-96

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, an Amendment Number One to the Installment Financing Contract dated as of June 1, 2016 (*"Amendment Number One"*) between the Corporation and the City and an Amendment Number Two to the Installment Financing Contract dated as of November 1, 2017 (*"Amendment Number Two"*) between the Corporation and the City;

WHEREAS, the proceeds related to the 2012 Contract were used by the City to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities (each of the projects described above financed and refinanced with the proceeds related to the 2012 Contract are referred to herein as the "*2012 Projects*");

WHEREAS, the proceeds related to entering into the Contract, as amended by Amendment Number One and Amendment Number Two, were used by the City to finance and refinance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the *"2016 Projects"*);

WHEREAS, the City Council of the City of Asheville, North Carolina (the *"City Council"*), hereby determines that it is in the best interest of the City to further amend the 2012 Contract (the *"Third Contract Amendment"* and together with the 2012 Contract as previously amended, the *"Contract"*) with the Corporation in order to finance the costs of various additional projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the *"2018 Projects"* and collectively with the 2012 Projects and the 2016 Projects, the *"Projects"*);

WHEREAS, in order to secure its obligations under the Contract, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012, as amended by a Notice of Extension and Amendment to Deed of Trust dated as on June 1, 2016 (collectively, the *"Deed of Trust"*), on the real property on which City Hall, the City's Public Works Facility and the City's Municipal

Building is located, each such facilities having had and/or will have repairs and renovations financed under the Contract;

WHEREAS, the City hereby determines that the 2018 Projects are essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the 2018 Projects will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Third Contract Amendment is necessary and expedient for the City by virtue of the findings presented herein; and

WHEREAS, the City hereby determines that the Third Contract Amendment allows the City to purchase the 2018 Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the City; and

WHEREAS, the City hereby determines that the estimated cost of financing the 2018 Projects is an amount not to exceed $48,000,000.00 and that such cost of the 2018 Projects exceed the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State; and

WHEREAS, although the cost of financing the 2018 Projects pursuant to the Third Contract Amendment is expected to exceed the cost of financing the 2018 Projects pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of financing the 2018 Projects pursuant to the Third Contract Amendment and the obligations of the City under the Contract are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of acquiring and constructing the 2018 Projects; and (3) insufficient revenues are produced by the 2018 Projects so as to permit a revenue bond financing; and

WHEREAS, the City has determined and hereby determines that the estimated cost of financing the 2018 Projects pursuant to the Third Contract Amendment reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles; and

WHEREAS, the City does not anticipate a future property tax increase to pay installment payments falling due related to the Third Contract Amendment; and

WHEREAS, Parker Poe Adams & Bernstein LLP, as bond counsel (*"Bond Counsel"*), will render an opinion to the effect that entering into the Third Contract Amendment and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the *"LGC"*), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies; and

WHEREAS, a public hearing on the Third Contract Amendment after publication of a notice with respect to such public hearing will be held on May 22, 2018 and approval of the LGC with respect to entering the Third Contract Amendment must be received;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Authorization to Negotiate Amendment.*** That the City Manager or the Chief Financial Officer, with advice from the City Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City for the financing of the 2018 Projects under the Third Contract Amendment for a principal amount not to exceed $48,000,000 under the Contract and the Third Contract Amendment to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

Section 2. ***Application to LGC.*** That the filing by the Chief Financial Officer, or her designee, with the LGC an application for its approval of the Third Contract Amendment and all relevant transactions contemplated thereby on a form prescribed by the LGC and stating in such application such facts and to attaching thereto such exhibits regarding the City and its financial condition as may be required by the LGC is hereby approved and ratified.

Section 3. ***Direction to Retain Professionals.*** That retaining the assistance of Parker Poe Adams & Bernstein LLP, as bond counsel; DEC Associates, Inc., as financial advisor; and Branch Banking and Trust Company, as trustee, is hereby authorized and ratified and the Chief Financial Officer is hereby further authorized to retain such other professionals as she deems necessary in his judgment to carry out the transaction contemplated in this Resolution.

Section 4. ***Public Hearing.*** That notice has been published for a public hearing to be conducted by the City Council on May 22, 2018 at or about 5:00 p.m. in the Council Chamber, 2nd Floor of City Hall, 70 Court Plaza, Asheville, North Carolina, concerning the Third Contract Amendment and the proposed 2018 Projects.

Section 5. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 15th day of May, 2018.

Magdalen Bouleson
City Clerk

Edna E Mahr
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

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RESOLUTION NO. 18-97

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE WHOLESALE PURCHASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF BLACK MOUNTAIN TO INCREASE BLACK MOUNTAIN'S CAPACITY

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to Article 3 of Chapter 160A of the North Carolina Statutes, the City of Asheville has authority to enter into contracts for services with other entities; and

WHEREAS, the Parties hereto entered into the Agreement on February 14, 2006, for the wholesale purchase of a portion of the City's water supply by Black Mountain; and

WHEREAS, the Agreement automatically renews on a year-to-year basis beginning on April 30, 2007, unless either party gives 30 (thirty) days written notice; and

WHEREAS, pursuant to authority given by the Asheville City Council ("City Council") in Resolution No. 09-191, the parties executed Amendment 1 to the Agreement allowing Black Mountain to request a reduction of capacity commitment one year after an approved capacity increase; and

WHEREAS, Black Mountain is requesting an increase in water capacity commitment of the City from 200,000 gallons per day to 300,000 gallons per day and the City has the capacity to provide such increase;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute a second amendment Wholesale Water Purchase Agreement between the City of Asheville and the Town of Black Mountain to increase Black Mountain's daily water allotment from 200,000 gallons per day (gpd) to 300,000 gpd.

Read, approved and adopted this 15th day of May, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-98

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR TRANSFER OF WATER DISTRIBUTION SYSTEM FROM CITY OF ASHEVILLE TO THE TOWN OF BLACK MOUNTAIN

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-274 authorizes governmental units to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property, with ot without consideration; and

WHEREAS, N.C. Gen. Stat. § 160A-461 authorizes units of local government to enter into contracts or agreements with each other in order to execute any undertaking; and

WHEREAS, approximately thirteen (13) miles of the City's water distribution system which it currently owns and maintains is located within the corporate limits of Black Mountain and serves approximately 600 customers; and

WHEREAS, Black Mountain owns and maintains its own water distribution system and in many areas the two water distribution systems run parallel to each other and are redundant; and

WHEREAS, the City and Black Mountain desires to execute an agreement to transfer Water Resources assets within the Town of Black Mountain service area from the City of Asheville to the Town of Black Mountain; and

WHEREAS, the transfer includes relinquishing ownership and future maintenance responsibilities of the City of Asheville's infrastructure within the Town of Black Mountain service area to the Town of Black Mountain over a two year period in two phases; and

WHEREAS, this transfer allows the entities to be more efficient in the operation and maintenance of the water systems; and

WHEREAS, this also allows the Town of Black Mountain to increase their capacity obtained from the City of Asheville through system expansion to serve their residents and proposed future commercial/industrial development;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute an agreement with the Town of Black Mountain to transfer Water Resources assets within the Town of Black Mountain service area from the City of Asheville to the Town of Black Mountain.

Read, approved and adopted this 15th day of May, 2018.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

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RESOLUTION NO. 18- 99

RESOLUTION APPROVING AMENDMENTS TO THE CITY'S HOUSING TRUST FUND POLICY

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposed policy amendments and has made its recommendation to Council to approve the amendments;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Housing Trust Fund is hereby amended as shown in Exhibit "A" attached hereto and made a part hereof.

The amended policy is effective as of the date of this resolution.

Read, approved and adopted this 15th day of May, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved As To Form:

City Attorney

Magdalen Bowleson
City Clerk

CITY OF ASHEVILLE

HOUSING TRUST FUND

Policy Guidelines

City of Asheville
Community Development Division

Effective May 22, 2018

Approved by Asheville City Council May 22, 2018

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HOUSING TRUST FUND POLICY GUIDELINES

I. Introduction

The City of Asheville Housing Trust Fund program was established in September 2000 with the goal of providing low cost financial assistance to incentivize the development and preservation of affordable housing within the city limits.

The City of Asheville continues to offer low interest loans for the creation of new affordable units. Professional real estate developers are encouraged to apply when constructing housing for low-income persons. All financing will be provided in the form of loans. Grants will not be made from the Housing Trust Fund.

II. Housing Trust Fund Priorities

The following affordable housing priorities have been established for the fund:

- Rental housing and homeownership projects will have equal priority.
- Projects with permanent affordability are given the highest priority in the scoring model.
- The development of units serving the lowest income households will be given higher priority.
- Developers seeking lower per-unit subsidies will be given more priority in the scoring model.
- Projects with final planning and zoning approval are preferable (but not required).
- Project with higher number of affordable units will be given higher priority.
- Projects developed along transit and multi-modal corridors will be given higher priority.
- Projects that incorporate green-building elements and have the highest energy efficiency (as determined by an outside rating agency) will be given higher priority.

III. Eligibility

A. Eligible Developers

The following persons and organizations may apply for financing:

1. For-profit Corporations, Partnerships, or Sole Proprietors.
2. Private incorporated non-profit agencies with IRS 501(c) designation.
3. Public Housing Agencies
4. State and Local Governments.

B. Eligible Activities

The following types of projects will be eligible for assistance:

1. Construction of new housing for sale or rental, including land acquisition and hard costs. (Note: *Homeownership developments are eligible for short-term construction loans only. Long term amortizing loans are available only for the development of rental housing).*
2. Conversion or adaptive reuse of existing non-residential structures for housing.
3. Purchase and rehabilitation of existing substandard multifamily housing units that do not meet the City's minimum housing code. *Single family residences and duplexes are ineligible.*
4. Purchase and rehabilitation or conversion of market rate multifamily developments to affordable housing. (Note: *A conversion project must result in minimal displacement of current residents and the impact on the existing workforce housing stock must be negligible.)*
5. Manufactured housing and Modular construction. Manufactured units must be titled as real property, comply with all City codes, and be attached to a permanent foundation.
6. Construction of container homes, tiny homes, and other innovative housing structures.
7. Down payment assistance loans are eligible use of funds, as long as funds are not forgiven.
8. Housing Trust Funds are not available for individuals seeking to build or renovate their own home.
9. A minimum of 20% of the total project units must be affordable for the proposed development to be eligible for financing
10. Affordable units that have been pledged to the City in exchange for a density bonus, conditional zoning, conditional use permit, or other special consideration will be ineligible 1 financing. Additional affordable units over and above the units already pledged to the City will be considered for financing provided that a minimum of 20% of the total project will be affordable.
11. Projects must be located within the Asheville City limits to be eligible for assistance.

All completed housing must meet state and local building codes. At the City's discretion, a certified third party cost analysis may be required following completion of the project.

IV. Affordability

A. Affordability Definitions*

To be considered "affordable", housing must meet the following criteria:

1. Homes for sale must be sold to buyers whose total housing obligation (principal and interest repayments, taxes, hazard insurance, and mortgage insurance) does not exceed 30% of the buyer's household income. The buyer's total household income cannot exceed the area median

income, as established by the US Department of Housing and Urban Development, by household size.

2. Rental units must be rented at or below the maximum program rents *and* tenants must have household income below 80% of area median income adjusted for family size, or 60% of area median income if the project qualifies under the Special Terms provisions in Section C, below.

*Appendix 1 provides information on income levels and rents that meet these guidelines.

B. Affordability Period

1. Construction Financing- Construction loans will require a minimum of three (3) years affordability from the date that the Occupancy Certificate is issued on each unit.

2. Permanent Financing- The required period of affordability for all long term financing will be directly proportional to the loan term (i.e. Developers requesting a 20 year loan term will be required to keep rents affordable for 20 years), but must be at least 15 years

V. Loan Terms

A. Maximum Loan Amount

The maximum loan amount available to each developer from the Housing Trust Fund is $20,000 per affordable unit, and the maximum loan per project is $1,000,000, unless otherwise approved by City Council due to unique features in the project that warrant terms outside of this policy (i.e. permanent affordability, location efficiency, etc.).

*Note: *If a 2nd application is received for the same project at a later date, the subsidy will be calculated on the total amount financed and the total number of affordable units provided. All loan requests are subject to the availability of funds and may be reduced if resources are insufficient to meet the request.*

B. Loan Structure

1. All permanent financing for rental housing will be in the form of secured loans for a term up to thirty (30) years. The Housing Trust Fund will not make grants, forgivable loans, or indefinitely deferred loans. All construction loans will be due and payable 36 months from the date of initial loan closing.

2. Interest will be charged at 2% on all loans except those given Special Terms, as described below.

*NOTE: The City reserves the right to adjust interest rates in response to changing economic conditions.

C. Special Terms

Loans will be fully amortizing *except that*:

1. Loans for rental housing restricted to families earning less than 60% of the area median income, and with rents affordable to that population, may be amortized at 0.00% interest **or** interest-only at 2% with principal deferred for the agreed upon Period of Affordability, up to 30 years. If units pledged as part of the Special Terms financing are occupied by households with a Housing Choice, VASH, or other Voucher limiting the household's rental payment to 30% or less of their income, the Voucher Housing Payment Standard will be accepted. If a Special terms unit is rented to a household without a voucher limiting their personal rent contribution, then the actual rent charged can be no more than the 60% AMI standard as established annually by the City of Asheville.
2. Interest on construction loans may be deferred until the loan principal is due.
3. At this time, soft second mortgages to Homebuyers are not allowed.
4. It is expected that all borrowers will make regular payments on Housing Trust Fund loans. Waiver of any payment during the loan term will be considered only if extremely low households are being served by the project, and the project could not be developed without that concession

VI. Application Process

The City of Asheville maintains an open application process for the Housing Trust Fund. Applications are accepted at any time throughout the fiscal year; however, loan approvals remain subject to the availability of funds and projects must demonstrate support of the City's strategic housing goals.

1. **A $300.00 non-refundable application fee must accompany each loan application.**
2. All applications must meet a minimum scoring threshold prior to review by the Housing and Community Development Committee (HCD). Please see application for details.
3. All financing sources must be identified (not necessarily secured) within three (3) months of application.
4. All projects with projected costs greater than $5,000,000 or with more than thirty (30) units must submit an independent market study.
5. The following values should be used when completing the Operating Pro Forma:
    - 5% Vacancy Factor for all years.
    - 3% Annual operating expense increase.
    - 3% Annual operating income increase.
    - Replacement cost reserves equal to $250 per unit per year.
6. All applications will be reviewed within ten (10) days of receipt. Those meeting the minimum scoring threshold will be placed on the agenda for the next HCD meeting at which time a staff recommendation will be made. The applicant is encouraged to attend and will have the opportunity to respond to all project-related questions.
7. Those projects approved by the Housing and Community Development Committee will be placed on the next available City Council Agenda where staff will present the request for final approval. It can be anticipated that the time from application to final approval may take 30-60 days.

VII. Underwriting

1. Projects must be scheduled to break ground or spend at least 10% of total project costs within twelve (12) months of application.
2. All financing commitments necessary for the completion of the project must be secured prior to closing.
3. With the exception of Low Income Housing Tax Credit projects and non-profit agencies, credit reports, personal tax returns, and financial statements will be required for all principals, partnerships, and majority members holding more than 19.9% ownership in the organization.
4. A property appraisal dated no later than six (6) months prior to closing will be required. If the appraisal reflects a total loan-to-value (TLTV) of more than 95%, the City may require a pledge of additional equity or other assets prior to closing.
5. Applications will be reviewed by City staff. Staff will underwrite applications and score them. Outside underwriting assistance may be sought by City staff.
6. Public comment on proposed site plans and elevations will be considered as part of the underwriting process.
7. Conditional loan commitments will be issued upon final loan approval for a period of ninety (90) days. Staff may extend commitments for up to an additional nine (9) months with the provision of updated construction timelines and satisfactory explanation for delay(s). Loan commitments for a period greater than a total of twelve (12) months will require approval by the Housing and Community Development Committee.
8. If the risk of loss appears high, a loan may be denied despite the proposed project meeting other goals and objectives of the City.

VIII. Closing and Funding

1. Closing can occur only after City Council Approval.
2. Third-party construction cost estimates are required for projects of $5 Million or more no later than 14 days prior to loan closing
3. Land acquisition may be funded at closing only if the following circumstances are met: 1) The appraised value of the land is 110% or more of the total of all funds used for acquisition; 2) The land is zoned for the proposed project without additional permissions needed; 3) All construction financing is committed; 4) The City is in no lower than second security position; 5) A realistic construction schedule, with a start date of no later than three months from closing has been submitted, reviewed and approved by staff prior to closing.
4. If funds are needed at closing for land acquisition, the City will require a minimum of fourteen (14) days advance notice to review compliance with the above requirements, and to allow time for check processing.
5. All closings will be scheduled by the developer at a closing attorney's office of their choice.

6. Personal loan guarantees will be required from all persons holding more than 19.9% interest in the organization. (*Does not apply to non-profit organizations and Low Income Housing Tax Credit Projects*).
7. The City will require a final survey, title commitment, and satisfactory Phase I environmental review five (5) days prior to closing. (NOTE: *If the Phase I Environmental suggests that a Phase II review is necessary, closing will be delayed until the Phase II has been completed.)*
8. The City will require evidence of property insurance five (5) days prior to closing- including a General Liability policy with employee dishonesty/crime coverage (showing the City of Asheville as an additional insured).
9. The developer must provide a projected draw schedule five (5) days prior to closing,
10. A minimum of 10% Housing Trust Fund monies will be held by the City of Asheville until completion of the project.
11. The developer must demonstrate full site control at least five (5) days prior to closing.
12. A W-9 Form will be required for each applicant **(Appendix 7).**
13. A closing protection letter will be required from the closing attorney.
14. The City will consider subordinating to the construction lender only upon receipt of an appraisal and verification of the senior loan terms. Subordinations are neither routine nor automatic. The City will subordinate below second lien position only if our collateral provides adequate protection. In no case will the City subordinate below third lien position.
15. Funds will not be disbursed at closing except for land acquisition. All loans will be structured as a line of credit, and funds must be drawn down proportionately with other financing sources.

IX. Post Closing

1. All disbursements are made on a reimbursement basis only and supporting documentation (i.e. paid invoices) must be provided with each draw request.
2. Eligible costs will be limited to land acquisition and "hard costs" only. Eligible "hard costs" include costs for the visible improvements- line items like grading, site improvements*, excavation, concrete, framing, electrical, carpentry, roofing, and landscaping (e.g. "brick and mortar" expenses). *NOTE: *Site improvements may include new on-site improvements (sidewalks, parking lots, utility connections, sewer and water lines, etc.) where none are present. Off-site infrastructure (such as sewer and water lines in a public street in front of the property) is not an eligible expense.*
3. Staff will conduct an on-site inspection of the property with each Draw Request received. All materials included in the Draw Request must be installed.
4. Failure to keep the property and improvements free from all liens for services, labor, and materials will be a condition of default.
5. Household income qualification must be fully documented and will be required prior to sale or lease-up for each potential buyer/tenant.
6. A copy of the settlement statement or lease agreement will be required for each initial occupant and must be provided to the City prior to tenants/buyers taking possession of the property.

7. All recipients of City funds are subject to on-site monitoring visits throughout the period of affordability. Annual rent and tenant income certifications will be required for all rental properties on December 1st of each calendar year.

X. Affirmative Marketing

The City will require all developers to abide by Fair Housing principles, which prohibit discrimination on the basis of race, age, gender, religion, national origin, disability, or familial status. Units constructed with Housing Trust Fund assistance must be openly marketed to ensure fair housing choice, with the exception of employer-assisted housing, which may be marketed specifically to employees of the sponsor of the housing. Owners of rental housing must not discriminate against tenants with Section 8 Housing Choice Vouchers and are encouraged to list all available rental properties at www.SocialServe.com.

XI. Minority Business Participation

The City has adopted a Minority Business Plan to encourage participation by minority and women-owned businesses in City-assisted projects. The City's Minority Business Plan can be found at: http://www.ashevillenc.gov/business/business_with/minority_business or you may request a copy from the Community Development Staff.

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PROJECT NAME – Developer
STAFF HTF APPLICATION SCORING SHEET

Criterion	Priority Tier	Max. Points	Scale	Score
Long Term Affordability*	1	**25**	14 years= *2 pts.* 15 - 20 years= *5 pts.* 21 - 30 years= *10 pts.* 31 - 50 years= *15 pts.* Permanent (99 Years) = 25 pts.	
Per-Unit Subsidy	1	**15**	< $10,000= *15 pts* $10,001-$15,000=*10 pts* $15,001-$20,000=*5 pts.*	
Population Served** **(Home ownership projects only)**	2	**10**	60% AMI or less = 10 pts. 61% AMI - 80% AMI= *8 pts.* 80-100% AMI= *6 pts.*	
Population Served** **(Rental projects only)**	2	**10**	< 50% AMI = *10 pts.* 50-60% AMI= *5 pts.* 60-80% AMI= *3 pts.*	
#Affordable Units	2	**10**	1-5= *2 pt.* 6-10= *4 pts.* 11-20= *6 pts.* 21-50= *8 pts.* > 50 units= *10 pts.*	
Developer Capacity	2	**10**	-Equity > 10% = *3 pts.* -50% of other financing has been committed= *2 pts.* -P&Z/TRC approval already received = *2 pts.* -Local development experience = *2 pts.* -Prior HTF Experience= *1 pts*	
Transit Access	2	**10**	< ¼ mile= *10 pts.* ¼-1/2 mile =*8 pts.* ½-3/4 mile= *4 pts.*	
Property Type	3	**5**	MF Rental= *5 pts.* MF/Attached Homeownership= *5 pts.* SFR Rental= *2 pts.* SFR Homeownership = *2 pts.*	
Number of Bedrooms	3	**5**	> 50% 1-BR & Efficiencies = *5 pts.* 30-50% 1-BR & Efficiencies = *4 pts.* 20-30% 1-BR & Efficiencies= *3 pts.*	
Energy Efficiency	3	**5**	Full monitoring certification= *5 pts.* Intermediate certification (per **Appendix 2**)= 3 pts.	

Multimodal Access	3	**5**	< ¼ mile= *5 pts.* ¼-1/2 mile =*4pts.* ½-3/4 mile= *2 pts.* >3/4 mile= *0 pts.*	
Percent of total project that is affordable	3	**5**	80-100%= *5 pts.* 60-80% = *4 pts.* 40-60%= *3 pts.* 30-40%= *2 pts.* 20-30%= *1 pts.*	

Bonus Points* **	[redacted]	**20**	Housing for homeless= *5 pts.* Housing for persons with disabilities= *5 pts.* Homeownership for households earning 50% AMI or less=10 pts.	
[redacted]		**125**	**TOTAL SCORE**	

RESOLUTION NO. 18- 100

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING, INC FOR THE PARKS SPORT COURT UPGRADES/RENOVATIONS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has determined the need to replace out of date facilities and site components that have reached the end of their service life; and

WHEREAS, has identified the need for renovation and has planned to complete the project under the GO Bond funding and annual general fund allocation; and

WHEREAS, aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces; and

WHEREAS, the will provide improved performance through ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

WHEREAS, Pursuant to N.C.G.S. 143-129 City advertised for bids and FRENCH BROAD PAVING, INC was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with French Broad Paving, Inc, to provide construction services for Asheville Parks Sport Court Upgrades/ Renovations Bond Project Bond Project for an amount of $890,000, and further authorizing the execution of any contract amendments up to 5% ($44,500) above of the contract price, which may arise during execution of said project.

Read, approved and adopted this the 15th day of May, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-101

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC. FOR THE CONSTRUCTION SERVICES NECESSARY FOR THE YEAR 2 BOND RESURFACING - STORMWATER IMPROVEMENTS PIPE REPLACEMENT PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Year 2 Bond Resurfacing - Stormwater Improvements Pipe Replacement Project; and

WHEREAS, Patton Construction Group, Inc. of Arden, NC was the lowest responsive responsible bidder for the project; and

WHEREAS, Patton Construction Group, Inc. shall provide all labor, materials and equipment necessary to perform the construction activities outlined in the approved documents for the Year 2 Bond Resurfacing - Stormwater Improvements Pipe Replacement Project; and

WHEREAS, the amount of the contract is $ 326,525.00 with a contingency in the amount of $48,978.75 and the funding has been budgeted through the General Obligation Bond Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract with Patton Construction Group, Inc. for the construction services necessary to perform the Year 2 Bond Resurfacing - Stormwater Improvements Project in the amount of $326,525.00 and to enter into change orders to this contract not to exceed an additional 15% of the original contract amount or $48,978.75.

Read, approved and adopted this the 15th day of May 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 18-102

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY ADDITIONAL SQUARE FOOTAGE OF SANITARY SEWER EASEMENT AT 345 MONTFORD AVENUE TO THE METROPOLITAN SEWERAGE DISTRICT

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 345 Montford Avenue, identified as PIN # 9649040738 known as Montford Park; and

WHEREAS, the Metropolitan Sewerage District of Buncombe County, North Carolina, hereinafter MSD, is requesting a Permanent Easement containing approximately 11,464 square feet over a portion of said property at 345 Montford Avenue; and

WHEREAS, the sewer improvements in the Montford Park Sewer Rehabilitation Project for which the easements are requested will benefit the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located at 345 Montford Avenue, known as Montford Park (PIN #9649040738) to the Metropolitan Sewerage District of Buncombe County, North Carolina for the purposes of implementing the Montford Park Sewer Rehabilitation Project. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this 22th day of May, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION 18-103

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT TO FINANCE VEHICLES AND EQUIPMENT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment financing contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into an installment financing contract (the *"Contract"*) with HomeTrust Bank (the *"Lender"*) in order to pay the capital costs of the acquisition and installation of vehicles and equipment (collectively, the *"Projects"*), and to put a security interest in the Projects in favor of the Lender in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed $6,250,000;

WHEREAS, there has been made available to the City Council in the office of the City's Chief Financial Officer the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rate as specified in the Contract and in the bid summary provided to the City Council; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Prior Actions.*** All actions of the officers of the City and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. ***Approval, Authorization and Execution of Contract.*** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The City hereby approves the amount advanced by the Lender to the City pursuant to the Contract in an aggregate principal amount not to exceed $6,250,000, such amount to be repaid by the City to the Lender as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the City Attorney, the Chief Financial Officer and the City Clerk, including anyone serving in an interim capacity, or their respective designees (each a *"Designated Representative"*), individually or

collectively, are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions. From and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Further Actions.*** Each Designated Representative is hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Contract. The Designated Representatives are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives, individually or collectively, are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 4. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 18-104

RESOLUTION AUTHORIZING A PARTNERSHIP AGREEMENT WITH THE MAYOR'S COMMITTEE FOR VETERANS AFFAIRS FOR THE ASHEVILLE BUNCOMBE MEMORIAL DAY CEREMONY

WHEREAS, the Mayor's Committee for Veterans Affairs is a volunteer committee comprised of active duty and retired service members, charged with producing ceremonial events on behalf of the Mayor; and

WHEREAS, a goal of the Committee is to serve as the volunteer coordinators for the city's Memorial Day ceremony; and

WHEREAS, the City has historically reserved public space, permitted, and provided standard resources to support the the Mayor's Committee for Veterans Affairs at no charge, leveraging resources to execute an efficient, cost-effective and respectful Memorial Day ceremony for its citizens; and

WHEREAS, the Mayor's Committee for Veterans Affairs is prepared to enter into a formal partnership agreement with the City, outlining responsibilities of the City and the Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to sign a four-year partnership agreement with the Mayor's Committee for Veterans Affairs for production of the Asheville Buncombe Memorial Day Ceremony at a value of City fees and charges estimated at $1,100, plus equipment loaned and staff time for setup by Parks & Recreation, through calendar year 2021.

Read and approved and adopted this 22nd day of May, 2018.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

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RESOLUTION NO. 18- 105

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION LOW OR NO EMISSION VEHICLE PROGRAM

WHEREAS, pursuant to N.C.G.S. § 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, The Federal Transit Administration (FTA) has announced an opportunity for $84 million in FY 2018 funds for the Low or No Emission Grant Program for the purchase or lease of low or no emission vehicles; and

WHEREAS, the FTA will reimburse up to 85 percent of the cost of the vehicles and up to 90 percent of the cost of equipment or facilities; and

WHEREAS, the City has identified projects that would be eligible for this funding, consistent with the Transit Master Plan; and

WHEREAS, the local match would come from the General Fund Capital Improvement Program and Office of Sustainability;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council approve a resolution authorizing the City Manager to apply to the 2018 Federal Transit Administration's Low or No Emission Vehicle Program in order to purchase five electric buses and related charging equipment and if successful, to accept the grant and sign all the appropriate agreements to receive the funds.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 18-106

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A COMBINATION SIDEWALK & STORMWATER EASEMENT FROM FHN MCCORMICK PLACE, LLC FOR MAINTENANCE OF PUBLIC IMPROVEMENTS

WHEREAS, the City of Asheville, hereinafter the City, is authorized pursuant to N. C. Gen. Stat. sec. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, FHN McCormick Place, LLC has agreed to construct a sidewalk and stormwater improvements according to City of Asheville specifications on property identified as PIN # 9648-47-6864; and

WHEREAS, FHN McCormick Place, LLC seeks to convey a Permanent Stormwater and Sidewalk Easement containing approximately 3,145 SF square feet over a portion of said property near McCormick Field;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to accept a permanent sidewalk and stormwater easement over a portion of said property adjacent to McCormick Place. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

390

RESOLUTION NO. 18-107

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2017 AND FISCAL YEAR 2018 JOB ACCESS AND REVERSE COMMUTE GRANT OF THE FTA SECTION 5307

WHEREAS, Section 5307 authorizes Federal funding for transit operations under the Job Access and Reverse Commute program ("JARC"); and

WHEREAS, JARC is administered by the French Broad Metropolitan Planning Organization ("FBRMPO"). The FBRMPO posted a call for projects for a total amount of $344,857.00.

WHEREAS, if awarded, the City will receive $137,783 to support the cost of operating Route 170 to Black Mountain; and

WHEREAS, the City will provide a 50% match of $137,783; and

WHEREAS, the City has authority, pursuant to N.C.G.S. # 160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council authorizes the City Manager to apply for the FY 2017 and FY 2018 Job Access and Reverse Commute Federal grant in the amount of $137,783 for Route 170 to Black Mountain, and, if the application is successful, to accept the grants and sign all the appropriate agreements with the FBRMPO, State, and/or Federal agencies to receive the funds.

Read, approved and adopted this the 22nd day of May 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 18-108

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR GRANTS OF FEDERAL TRANSPORTATION FUNDING, AND IF SUCCESSFUL, TO ACCEPT SUCH GRANTS AND EXECUTE NECESSARY AGREEMENTS WITH THE METROPOLITAN PLANNING ORGANIZATION OR STATE OR FEDERAL AGENCIES TO ACCEPT THE FUNDING

WHEREAS, pursuant to N.C.G.S §160A-17.1, the City is authorized to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has opened a call for projects for FTA section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Grants funds; and

WHEREAS, the City of Asheville has identified paratransit service as a project that is eligible for this funding and would be funded by the grant at 80% of the cost of service in the amount of $187,500; and

WHEREAS, if awarded, the City would provide for a 20% local match of $37,500;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council authorizes the City Manager to submit a grant application to the French Broad River Metropolitan Planning Organization (FBRMPO) for Section 5310 Funds, and if the application is successful, to accept the grants and sign all the appropriate agreements with the FBRMPO, State, and/or Federal agencies to receive the funds.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bowleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 18- 109

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ABA BEER WEEK KICK OFF PARTY ON THE DATE OF FRIDAY, MAY 25, 2018 FROM 5:00 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the ABA Beer Week Kick Off Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the ABA Beer Week Kick Off Party event area, as set forth in Exhibit A, attached.

   The ABA Beer Week Kick Off Party event area is within the boundaries of the WNC Nature Center located at 75 Gashes Creek Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the ABA Beer Week Kick Off Party on Friday, May 25, 2018 from 5:00 p.m. – 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the ABA Beer Week Kick Off Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the ABA Beer Week Kick

Off Party event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the ABA Beer Week Kick Off Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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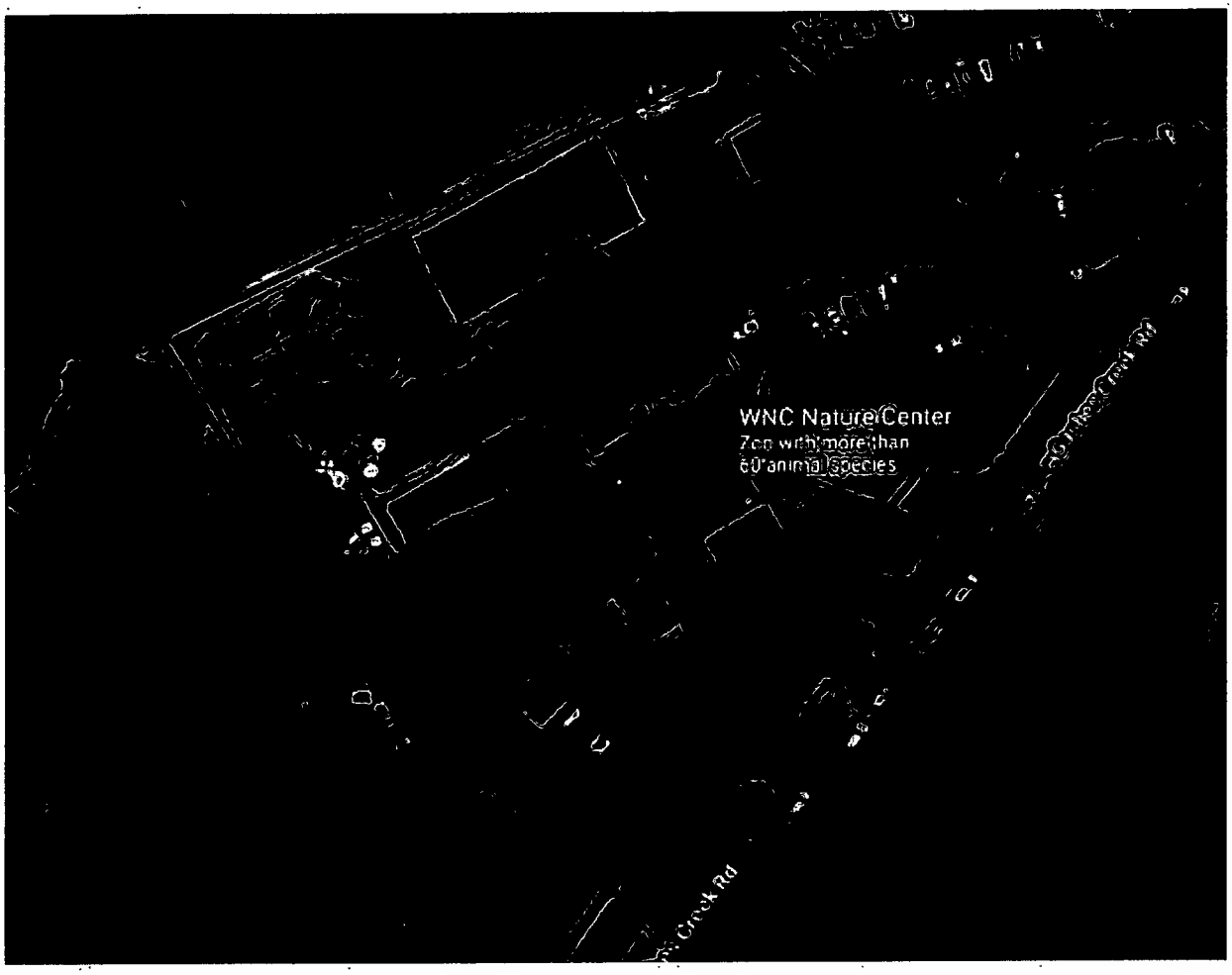
EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 110

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL ON THE DATE OF SATURDAY, JUNE 2, 2018 FROM 12:00 PM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Festival event area, as set forth in Exhibit A, attached.

   The Beer City Festival event area is within the boundaries the Roger McGuire Green at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Festival on Saturday, June 2, 2018 from 12:00 p.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Festival event area, or

elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bowleson
City Clerk

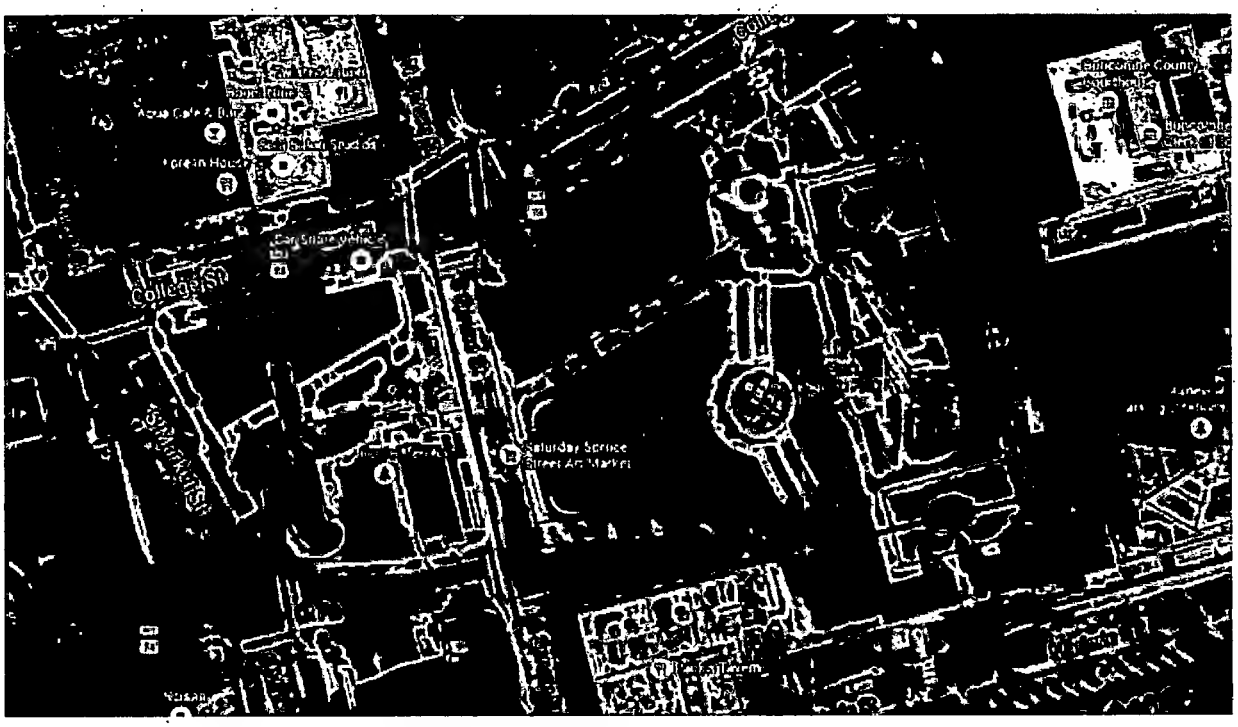
E. Ann E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 111

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT XPAND FEST ON THE DATE OF SATURDAY, JUNE 9, 2018 FROM 12:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Xpand Fest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Xpand Fest event area, as set forth in Exhibit A, attached.

   The Xpand Fest event area is within the boundaries of Coxe Avenue between the intersections of Banks Avenue and Millard Avenue, and within the boundaries of Buxton Avenue between the intersections of Millard Avenue and Coxe Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Xpand Fest on Saturday, June 9, 2018 from 12:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Xpand Fest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Xpand Fest event area, or elsewhere in

the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Xpand Fest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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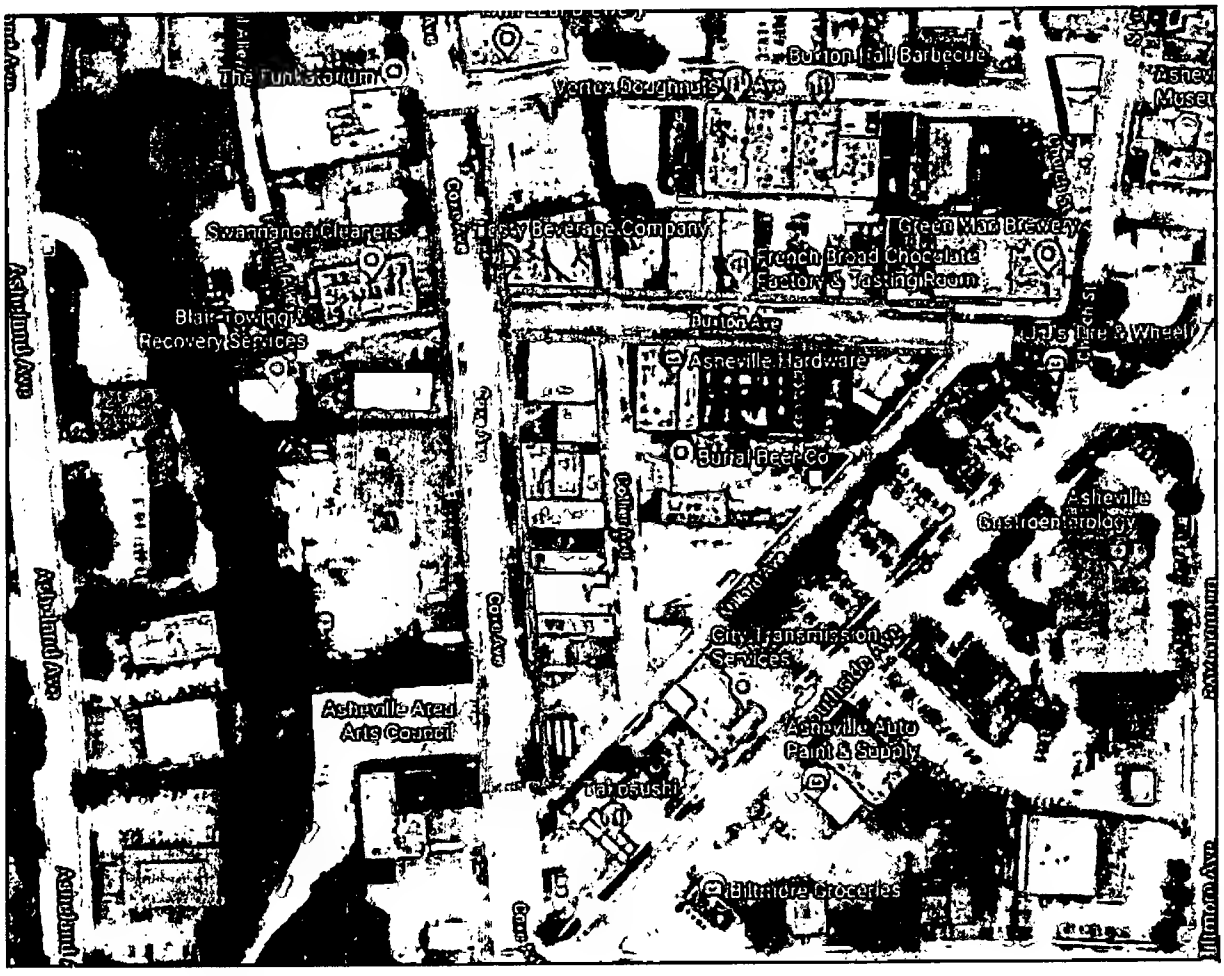
EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 112

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HALF MARATHON & 10K ON THE DATE OF SATURDAY, JUNE 9, 2018 FROM 7:00 AM – 12:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Half Marathon & 10K.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Half Marathon & 10K event area, as set forth in Exhibit A, attached.

   The Asheville Half Marathon & 10K event area is within the boundaries of the Roger McGuire Green at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Half Marathon & 10K on Saturday, June 9, 2018 from 7:00 a.m. – 12:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Half Marathon & 10K event area. No other

possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Half Marathon & 10K event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Half Marathon & 10K, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bowlerson
City Clerk

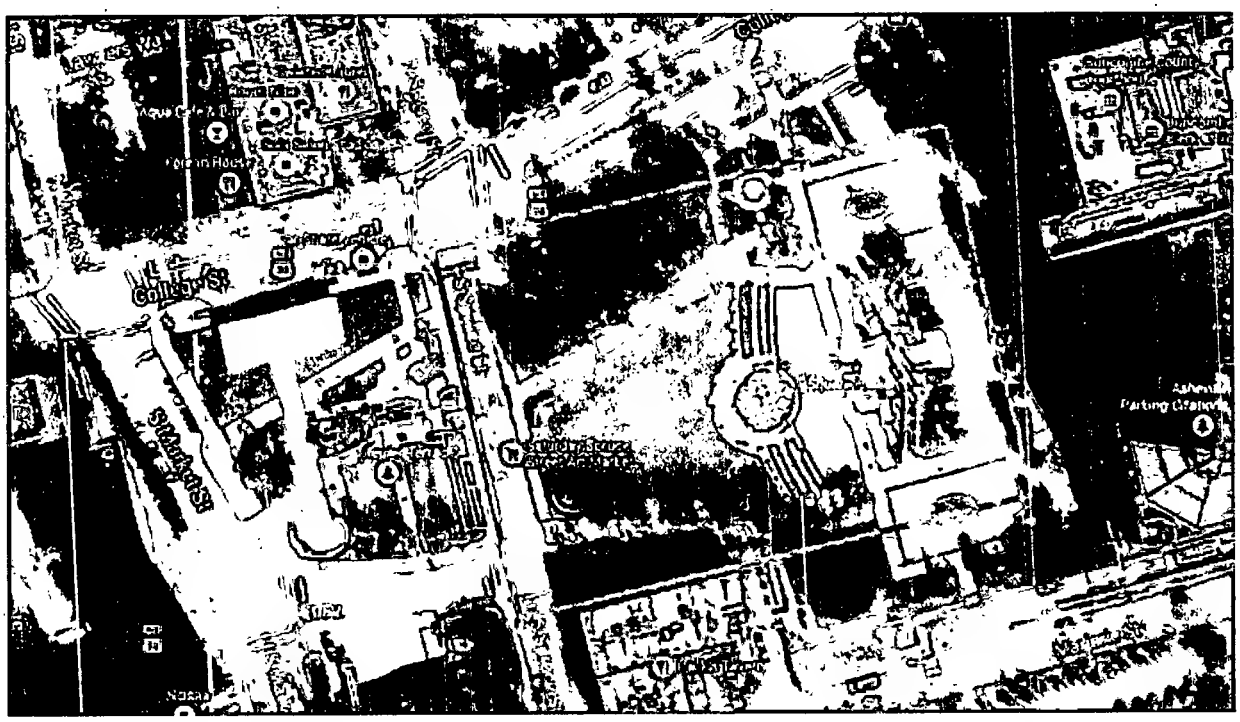
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

EXHIBIT A



404

RESOLUTION NO. 18- 113

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BETTER DADS FESTIVAL ON THE DATE OF SATURDAY, JUNE 16, 2018 FROM 1:00 PM – 9:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Better Dads Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Better Dads Festival event area, as set forth in Exhibit A, attached.

   The Better Dads Festival event area is within the boundaries of Pack Square Park's Roger McGuire Green, extending through the Court Plaza Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed the Better Dads Festival on Saturday, June 16, 2018 from 1:00 p.m. – 9:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Better Dads Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Better Dads Festival event area

or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Better Dads Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

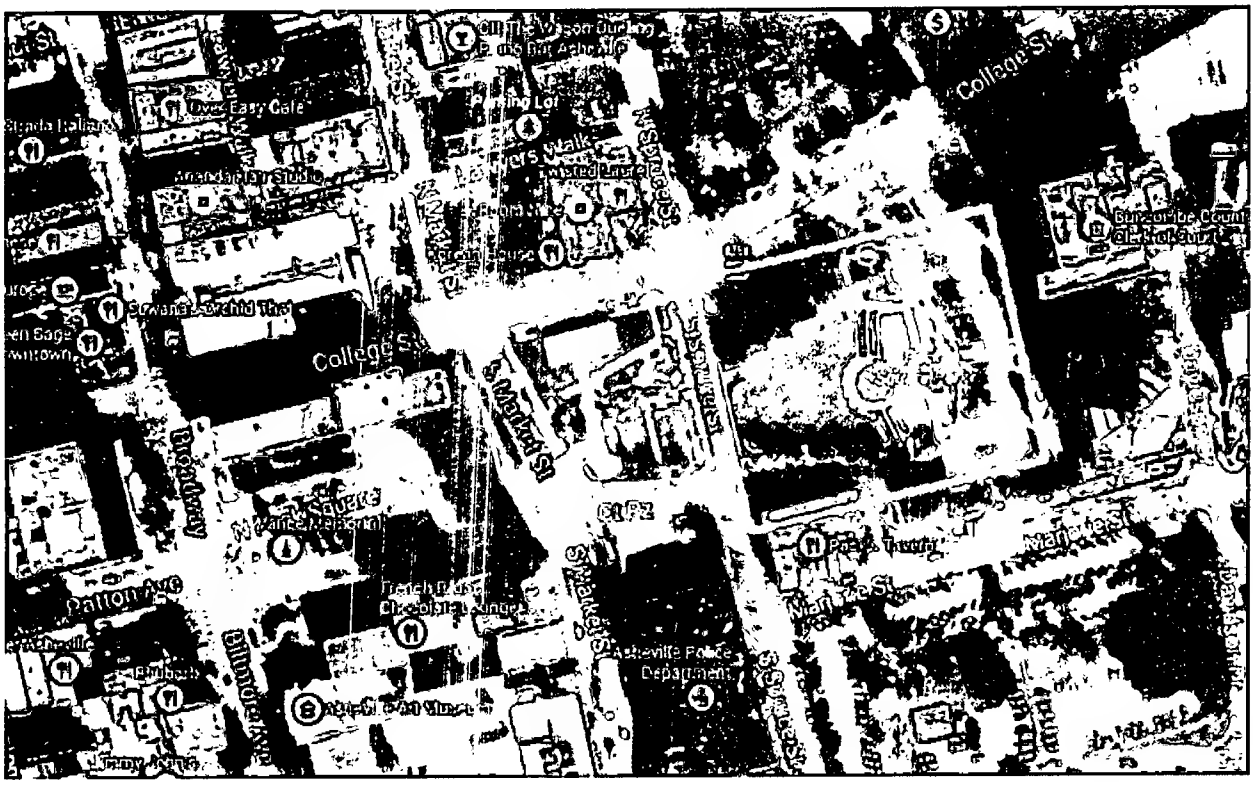
Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

406

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 114

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENCE DAY CELEBRATION ON THE DATE OF WEDNESDAY, JULY 4, 2018 FROM 2:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Ingles Independence Day Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Ingles Independence Day Celebration event area, as set forth in Exhibit A, attached.

   The Ingles Independence Day Celebration event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Ingles Independence Day Celebration on Wednesday, July 4, 2018 from 2:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified

wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Ingles Independence Day Celebration event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Ingles Independence Day Celebration event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Ingles Independence Day Celebration, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bowlesson
City Clerk

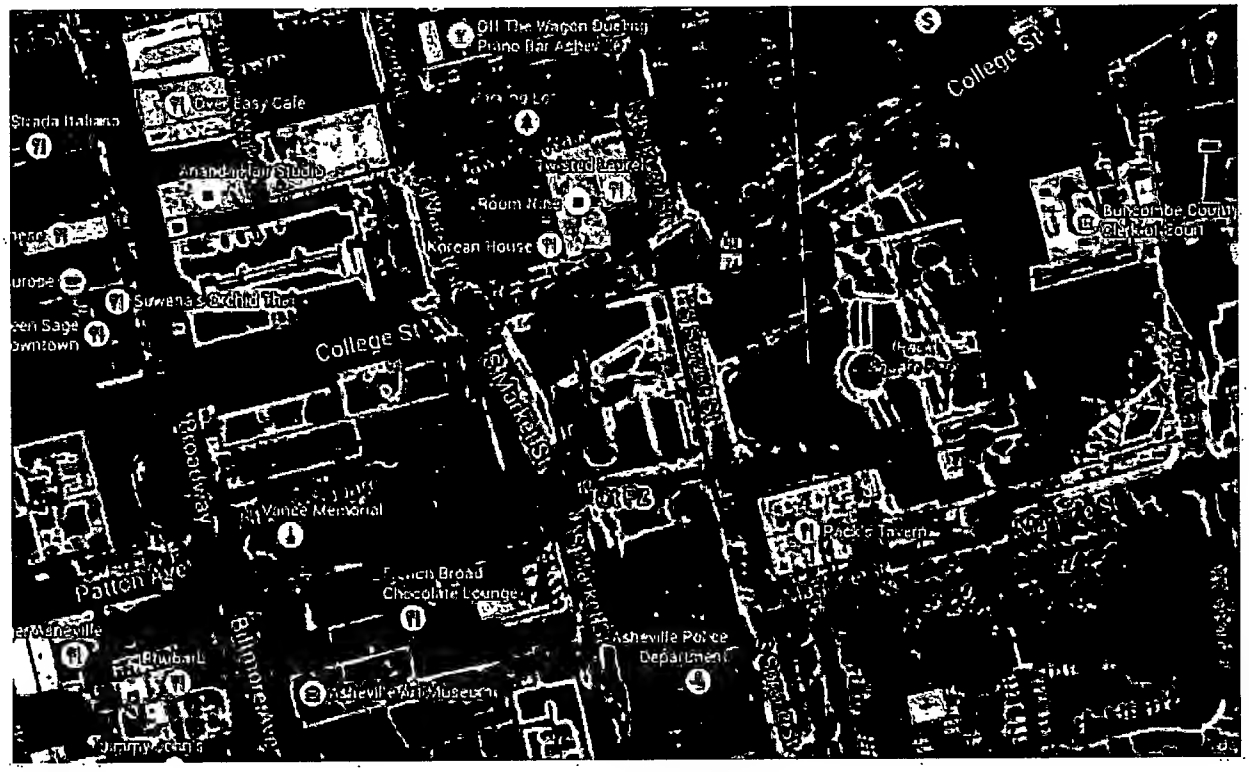
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

EXHIBIT A



Alcohol Area

410

RESOLUTION NO. 18- 115

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGFEST ON THE DATE OF SUNDAY, SEPTEMBER 2, 2018 FROM 10:00 AM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, Ordinance 4595 adopted by Council on July 25, 2017 permits sale of alcohol on Sundays beginning at 10:00 a.m.; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville VegFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville VegFest event area, as set forth in Exhibit A, attached.

   The Asheville VegFest event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Asheville VegFest on Sunday, September 2, 2018 from 10:00 a.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of

and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville VegFest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville VegFest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville VegFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

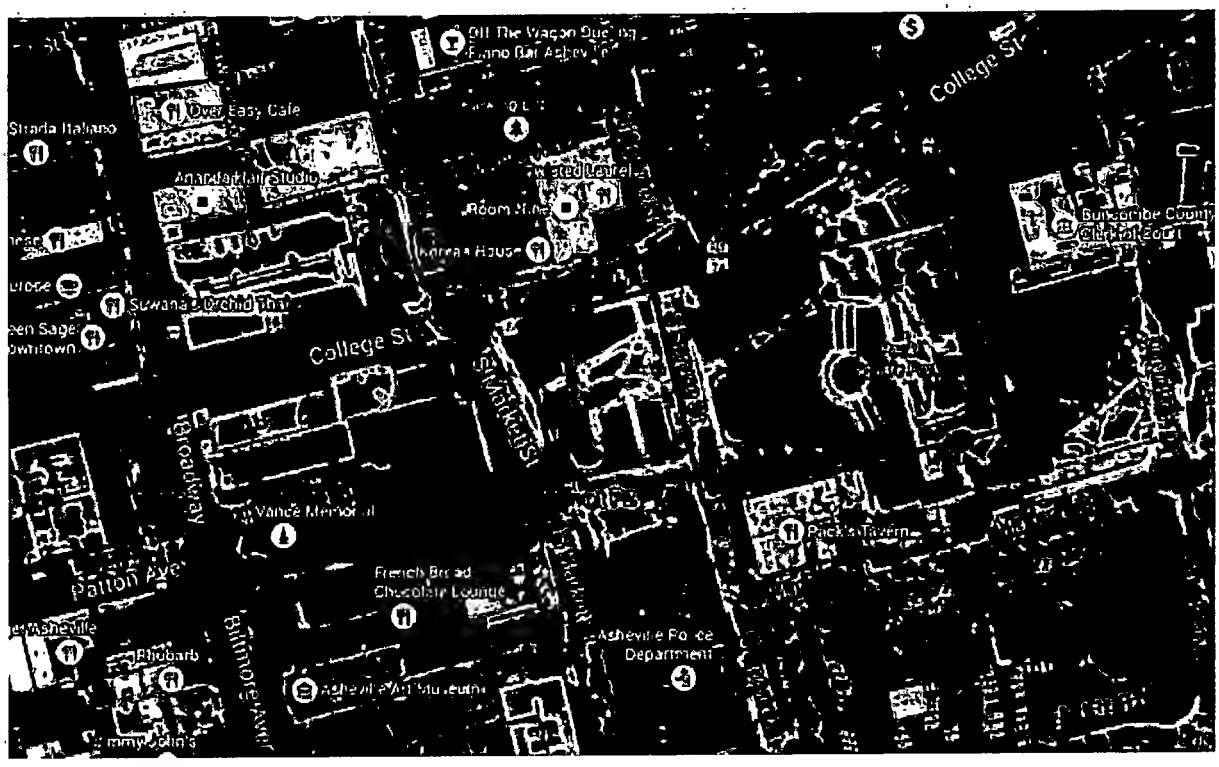
Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

412

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 116

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH B. ALLEN CONSTRUCTION, INC., FOR THE CONSTRUCTION SERVICES OF ASHEVILLE PLAYGROUNDS BOND PROJECT AT HERB WATTS PARK, WEST ASHEVILLE PARK AND LAKEWOOD PARK

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has determined the need to replace out of date facilities and site components that have reached the end of their service life; and

WHEREAS, the City has identified the need for renovation and has planned to complete the project under the GO Bond funding; and

WHEREAS, aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces; and

WHEREAS, Pursuant to N.C.G.S. 143-129 City advertised for bids and B. Allen Construction Inc., was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with B. Allen Construction, Inc, to provide construction services for Asheville Playgrounds Bond Project for an amount of $695,500, and further authorizing the execution of any contract amendments up to 5% ($34,775) above of the contract price, which may arise during execution of said project.

Read, approved and adopted this the 22nd day of May, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 18- 117

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC FOR THE TEMPIE AVERY MONTFORD CENTER IMPROVEMENTS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has determined the need to replace out of date facilities and site components that have reached the end of their service life; and

WHEREAS, the City has identified the need for renovation and has planned to complete the project under the GO Bond funding; and

WHEREAS, aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces; and

WHEREAS, Pursuant to N.C.G.S. 143-129 City advertised for bids and Patton Construction Group, Inc. was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Patton Construction Group, Inc., to provide construction services for the Tempie Avery Montford Center Improvements Bond Project for an amount of $1,171,000, and further authorizing the execution of any contract amendments up to 5% ($58,550) above of the contract price, which may arise during execution of said project.

Read, approved and adopted this the 22nd day of May, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION 18- 118

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF $23,000,000 GENERAL OBLIGATION BOND ANTICIPATION NOTE OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the Bond Orders (as defined in Appendix A) have been adopted, and it is desirable to make provision for the issuance of the Bond Anticipation Note in anticipation of the receipt of the proceeds of the sale of the general obligation bonds authorized by the Bond Orders;

WHEREAS, the City of Asheville, North Carolina (the *"City"*) desires to issue its General Obligation Bond Anticipation Note, Series 2018 in an aggregate principal amount of $23,000,000 (the "*Bond Anticipation Note*") and to request that the Local Government Commission (the "*Commission*") sell the Bond Anticipation Note to Bank of America, N.A. (the *"Bank"*), in accordance with the terms provided herein and in a Note Purchase and Advance Agreement to be dated on or about June 12, 2018 (the *"Purchase Agreement"*) between the City and the Bank;

WHEREAS, the City has determined to authorize the Bond Anticipation Note to evidence its short-term borrowing program to finance capital costs of projects authorized by the Bond Orders;

WHEREAS, the City Council has considered and recognizes that variable interest rate debt instruments may subject the City to the risk of higher interest rates but believes that utilizing the short-term financing as an interim source of funding for paying costs of the projects authorized by the Bond Orders lowers the City's overall cost of capital and therefore is superior to issuing fixed rate bonds for such purpose at this time;

WHEREAS, the City Council finds and determines that (i) the issuance of the Bond Anticipation Note is necessary and expedient and (ii) the budget estimates of the taxes are reasonable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. For purposes of this Note Resolution, all capitalized, undefined words have the meanings ascribed to them in Appendix A hereto.

Section 2. The City is hereby authorized to issue not to exceed $23,000,000 in total aggregate principal amount of its Bond Anticipation Note. The Chief Financial Officer of the City, and her designees, with advice from the City Attorney and bond counsel, is hereby authorized, directed and designated to provide such information as the North Carolina Local Government Commission requests related to the application for approval of the Bond Anticipation Note and the authorization and issuance of the Bond Anticipation Note.

Although the Bond Anticipation Note will be issued in a nominal principal amount of $23,000,000, because proceeds of the Bond Anticipation Note are being drawn down over time and the total principal amount may not be used, it will be the amount of each Advance that will be used for purposes of determining the amount issued under and against the Bond Orders. The Chief Financial

Officer, or her designee, will indicate as part of each request for an Advance the amount to be applied against each Bond Order.

Section 3. The Bond Anticipation Note shall be issued on the terms set forth in Appendix A. The Bond Anticipation Note is being issued to provide funds to pay the capital costs of the Projects authorized by the Bond Orders.

Section 4. Each of the Mayor, the City Manager, the City Attorney, the Chief Financial Officer and the City Clerk, including anyone serving in an interim capacity, or their respective designees (the "*Authorized Officers*") are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Note Resolution and the Purchase Agreement except that none of the above is authorized or empowered to do anything or execute any document which is in contravention, in any way, of (a) the specific provisions of this Note Resolution, (b) any agreement to which the City is bound, (c) any rule or regulation of the City or (d) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

From the adoption of this Note Resolution until the date of the issuance of the Bond Anticipation Note hereunder, the City Manager and the Chief Financial Officer are each hereby authorized, empowered and directed to make any changes, modifications, additions or deletions to Appendix A hereto as shall to them seem necessary, desirable or appropriate and that in their opinion may be necessary to implement the intent of this Note Resolution. Such changes, modifications, additions or deletions to Appendix A shall be set forth in a certificate executed by the City Manager or the Chief Financial Officer on the date of issuance of the Bond Anticipation Note hereunder.

Section 5. The Commission is hereby requested to sell the Bond Anticipation Note by private sale to the Bank subject to the provisions hereof. The Authorized Officers are hereby authorized and directed to cause the Bond Anticipation Note to be prepared and, when it shall have been duly sold by the Commission, to execute the Bond Anticipation Note for delivery to the Bank.

Section 6. The form and content of the Purchase Agreement be and the same hereby is in all respects approved and confirmed, and each of the Authorized Officers be and they hereby are authorized, empowered, and directed to execute and deliver the Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein.

Section 7. From and after the execution and delivery of the documents hereinabove authorized, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed, and are further authorized to take any and all further actions to execute and deliver any and all other documents as may be necessary in the issuance of the Bond Anticipation Note and administering the Purchase Agreement and other related documents such that they continue to serve the purpose for which they were executed and delivered.

The Authorized Officers and the City Clerk are each hereby authorized and directed to prepare and furnish, when the Bond Anticipation Note is issued, certified copies of all the proceedings and records of the City Council relating to the Bond Anticipation Note, and such other affidavits, certificates and documents as may be required to show the facts relating to the legality and marketability of the Bond Anticipation Note as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified copies, certificates, affidavits and documents, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

All acts and doings of the Authorized Officers that are in conformity with the purposes and intents of this Note Resolution and in the furtherance of the issuance of the Bond Anticipation Note are in all respects approved and confirmed. Any provision in this Note Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 8. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions hereof or of the Bond Anticipation Note authorized hereunder.

Section 9. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 10. That this Note Resolution is effective on the date of its adoption.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

APPENDIX A

to

CITY OF ASHEVILLE, NORTH CAROLINA

RESOLUTION ADOPTED MAY 22, 2018

Relating to the Issuance of

$23,000,000
General Obligation Bond Anticipation Note, Series 2018
(Draw Program)

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ARTICLE I.

DEFINITIONS

Section 1.01. ***Meaning of Words and Terms***

. The following terms, except where the context indicates otherwise, have the respective meanings set forth below:

"*Advance*" means all advances of the purchase price of the Bond Anticipation Note made by the Purchaser under the Purchase Agreement on or before the Advance Termination Date.

"*Advance Termination Date*" has the meaning assigned to such term in Section 4.01.

"*Amortization Period*" means the period from the Full Funding Date until the Maturity Date.

"*Appendix A*" means this Appendix A which is attached to, and incorporated in, the Note Resolution.

"*Bond Anticipation Note*" means the up to $23,000,000 City of Asheville, North Carolina General Obligation Bond Anticipation Note, Series 2018 issued pursuant to the Note Resolution, including this Appendix A.

"Bond Orders" means, collectively, the Bond Order authorizing the City to issue general obligation bonds to finance certain transportation projects, the Bond Order authorizing the City to issue general obligation bonds to finance certain housing projects and the Bond Order authorizing the City to issue general obligation bonds to finance certain parks and recreation projects, each adopted by the City Council on August 9, 2016 and approved by a majority of voters at a referendum held on November 8, 2016.

"*Business Day*" means, with respect to the Bond Anticipation Note, any day other than a Saturday or Sunday or a legal holiday on which commercial banks are authorized or required by law to be closed for business in Asheville, North Carolina.

"*Chief Financial Officer*" means the Chief Financial Officer of the City, the person performing the duties of the Chief Financial Officer or the official succeeding to the Chief Financial Officer's principal functions, serving as the finance officer of the City.

"*Closing Date*" means the date of initial issuance of the Bond Anticipation Note.

"*Code*" means the Internal Revenue Code of 1986, as from time to time amended.

"*Commission*" means the Local Government Commission of North Carolina.

"Day Count" is Actual / 365 or 366 days, as applicable.

"Default Rate" means the Term Loan Interest Rate plus three percent (3%) per annum.

"*Determination of Taxability*" means, with respect to the Bond Anticipation Note, a determination

that all or a portion of the interest on the Bond Anticipation Note is included in gross income of the Owner thereof for federal income tax purposes, as a result of an action, or failure to act, by the City, which determination shall be deemed to have been made upon the occurrence of the first to occur of the following: (1) the date on which such Owner is advised in writing by the Commissioner or any District Director of the Internal Revenue Service that, as a result of an action, or failure to act, by the City, all or a portion of the interest on the Bond Anticipation Note is included in the gross income of the Owner for federal income tax purposes; (2) the date on which the City receives notice from such Owner that the Owner has been advised in writing that the Internal Revenue Service has issued a statutory notice of deficiency or similar notice to the Owner which asserts, in effect, that all or a portion of the interest with respect to the Bond Anticipation Note received by the Owner is included in the gross income of the Owner for federal income tax purposes, as a result of an action, or failure to act, by the City; (3) the date on which the City is advised in writing by the Commissioner or any District Director of the Internal Revenue Service that there has been issued a public or private ruling of the Internal Revenue Service that all or a portion of the interest on the Bond Anticipation Note is included in the gross income of the Owner thereof for federal income tax purposes as a result of an action, or failure to act, by the City; or (4) the date on which the City is advised in writing by counsel to the Owner of the Bond Anticipation Note that a final determination, from which no further right of appeal exists, has been made by a court of competent jurisdiction in the United States of America in a proceeding with respect to which the City has been given written notice and an opportunity, at the expense of the City, to participate and defend that interest on the Bond Anticipation Note is included in the gross income of such Owner for federal income tax purposes, as a result of an action, or failure to act, by the City.

"Fed Funds Rate" means for any day, the rate per annum equal to the weighted average of the rates on overnight federal funds transactions with members of the Federal Reserve System arranged by federal funds brokers on such day, as published by the Federal Reserve Bank of New York on the Business Day next succeeding such day; provided that (a) if such day is not a Business Day, the Federal Funds Rate for such day shall be such rate on such transactions on the next preceding Business Day as so published on the next succeeding Business Day, and (b) if no such rate is so published on such next succeeding Business Day, the Federal Funds Rate for such day shall be the average rate (rounded upward, if necessary, to a whole multiple of 1/100 of 1%) charged to the Owner on such day on such transactions, as determined by the Owner.

"*Full Funding Date*" means June 1, 2020.

"*Initial Term Interest Rate*" means with respect to each Interest Rate Period, a per annum rate of interest equal to the SIFMA Index plus 0.32% per annum (32 bppa).

"*Initial Term Period*" means the period commencing on the Closing Date and ending on the Full Funding Date.

"*Interest Payment Date*" means the first Business Day of each month and any other date that interest is required to be paid on the Bond Anticipation Note under the Purchase Agreement.

"*Interest Rate*" means, with respect to the Bond Anticipation Note, (a) during the Initial Term Period, a per annum rate of interest equal to the Initial Term Interest Rate, and (b) during the Term Loan Interest Period, the Term Loan Interest Rate; provided, however, that (1) upon a Determination of Taxability, the Bond Anticipation Note will bear interest during the Taxable Period, at a rate equal to the Taxable Rate, (2) upon the occurrence and during the continuation of an Event of Default (as defined in

the Purchase Agreement), the Interest Rate shall be a per annum rate of interest equal to the Default Rate and (3) in no event shall the Interest Rate exceed the Maximum Rate.

"*Interest Rate Period*" means the period commencing on the Closing Date and ending on the day preceding the first Rate Reset Date, and thereafter commencing on each Rate Reset Date and ending on the day preceding the next succeeding Rate Reset Date.

"*LIBOR Index*" means for any date, the rate per annum equal to the London Interbank Offered Rate (or a comparable or successor rate which is approved by the Purchaser), as published by Bloomberg (or other commercially available source providing quotations of such rate as selected by the Purchaser from time to time) as determined for each LIBOR Index Reset Date at approximately 11:00 a.m. London time two (2) London Banking Days prior to such LIBOR Index Reset Date, for U.S. Dollar deposits (for delivery on the first day of such interest period) with a term of one month, as adjusted from time to time in the Purchaser's sole discretion for reserve requirements, deposit insurance assessment rates and other regulatory costs; provided that (i) to the extent a comparable or successor rate is approved by the Purchaser in connection herewith, the approved rate shall be applied in a manner consistent with market practice; and provided further that to the extent such market practice is not administratively feasible for the Purchaser, such approved rate shall be applied in a manner otherwise reasonably determined by the Purchaser and (ii) if the LIBOR Index shall be less than zero, such rate shall be deemed zero for purposes hereof. For purposes of this definition, a "London Banking Day" is a day on which banks in London are open for business and dealing in offshore dollars.

"*LIBOR Index Reset Date*" means the first Business Day of the calendar month.

"*Mail*" means first-class United States mail, postage prepaid.

"*Maturity Date*" means June 1, 2023.

"*Maximum Rate*" means the lesser of (a) 20% per annum and (b) the maximum rate of interest permitted by applicable law.

"*Note Resolution*" means the Resolution adopted by the City Council of the City on May 22, 2018 with respect to the Bond Anticipation Note, which includes this Appendix A, and any amendments or supplements thereto.

"*Owner*" means the registered owner of the Bond Anticipation Note.

"*Paying Agent*" means the Chief Financial Officer of the City or any successor appointed pursuant to Section 2.05.

"*Prepayment Date*" means the date on which the Bond Anticipation Note or any portion thereof has been called for prepayment or is to be prepaid pursuant to this Appendix A.

"*Prime Rate*" means on any day, the rate of interest in effect for such day as publicly announced from time to time by the Purchaser as its "prime rate." The "prime rate" is a rate set by the Purchaser based on various factors including the Purchaser's costs and desired return, general economic conditions and other factors, and is used as a reference point for pricing some loans, which may be priced at, above,

or below such announced rate. Any change in such rate announced by the Purchaser shall take effect at the opening of business on the day specified in the public announcement of such change.

"*Principal Amount*" means the sum of all Advances less any prepayment of the Bond Anticipation Note. Advances and prepayments shall be recorded (which records may be electronic) on the Table of Advances and Table of Partial Prepayment attached to the Bond Anticipation Note, however failure to record an Advance or prepayment shall not affect the Principal Amount outstanding under the Bond Anticipation Note.

"*Projects*" means the transportation projects, housing projects and parks and recreation projects financed with the proceeds of the Bond Anticipation Note in accordance with the authority under the respective Bond Orders.

"*Purchase Agreement*" means the Note Purchase and Advance Agreement to be dated on or about June 12, 2018 among the City, the Purchaser and the Commission.

"*Purchaser*" means Bank of America, N.A., as the initial Owner of the Bond Anticipation Note, and its successors and assigns.

"Rate Reset Date" means" Thursday of each week (published on Wednesday for the following Thursday for a seven day period through the following Wednesday).

"SIFMA Index" means, for any date computed, the level of the index which is issued weekly and which is compiled from the weekly interest rate resets of tax-exempt variable rate issues included in a database maintained by Municipal Market Data which meet specific criteria established from time to time by the Securities Industry and Financial Markets Association and issued on Wednesday of each week, or if any Wednesday is not a Business Day, the next succeeding Business Day.

If the SIFMA Index is no longer published, then *"SIFMA Index"* shall mean the S&P Weekly High Grade Index. If the S&P Weekly High Grade Index is no longer published, then *"SIFMA Index"* shall mean the prevailing rate determined by the Purchaser for tax-exempt state and local government bonds meeting criteria determined in good faith by the Purchaser to be comparable under the circumstances to the criteria used by the Securities Industry and Financial Markets Association to determine the SIFMA Index immediately prior to the date on which the Securities and Financial Markets Association ceased publication of the SIFMA Index. If SIFMA Index shall be less than zero, such rate shall be deemed zero for purposes of the determining the interest rate on the Note.

"*Stated Principal Amount*" means $23,000,000.

"*Taxable Period*" means the period beginning on the date interest on the Bond Anticipation Note first becomes subject to inclusion in gross income as a result of a Determination of Taxability, and ends on the date (if any) such interest is no longer included in gross income.

"*Taxable Rate*" means a per annum rate of interest equal to the product of the Interest Rate multiplied by the Taxable Rate Factor.

"*Taxable Rate Factor*" means 1.27.

"*Term Loan Period*" means the period, if any, commencing on June 1, 2021 and ending on the earlier of the Maturity Date or the date the Bond Anticipation Note has been prepaid in whole prior to maturity.

"*Term Loan Interest Rate*" means the greater of (i) the Prime Rate plus 1.00%, (ii) the Fed Funds Rate plus 2.00%, (iii) the LIBOR Index plus 2.00% and (ii) 7.0%; provided that the Term Loan Interest Rate shall not exceed the Maximum Rate.

ARTICLE II.

AUTHORIZATION, FORM, ISSUANCE, DELIVERY AND REGISTRATION OF BOND ANTICIPATION NOTE

Section 2.01. ***Authorization of the Bond Anticipation Note***

. There is hereby authorized the issuance of a general obligation bond anticipation note, designated *"City of Asheville, North Carolina General Obligation Bond Anticipation Note, Series 2018."* The Bond Anticipation Note is being issued to provide funds to pay the Costs of the Projects and costs of issuing the Bond Anticipation Note, under and in accordance with the Bond Orders. No Bond Anticipation Note may be issued under the provisions of the Note Resolution, including this Appendix A, except in accordance with this Article. The total principal amount of the Bond Anticipation Note that may be issued and Outstanding is hereby expressly limited to the Stated Principal Amount..

Section 2.02. ***Issuance of the Bond Anticipation Note***

. The Bond Anticipation Note will be issuable as fully registered note in the Stated Principal Amount. The Bond Anticipation Note will be numbered R-1 and will be substantially in the form set forth in Exhibit A with such appropriate variations, omissions and insertions as are permitted or required by this Appendix A. The execution and delivery of the Bond Anticipation Note by the City under the Note Resolution is conclusive evidence of the approval of the form of the Bond Anticipation Note by the City Council, including any insertions, omissions, variations, notations, legends or endorsements authorized by the Note Resolution.

Section 2.03. ***Details of the Bond Anticipation Note; Payment***

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(a) The Bond Anticipation Note will mature, subject to prepayment as set forth herein, on the Maturity Date and will bear interest at the Interest Rate (computed on the basis of the Day Count). Interest payable on the Bond Anticipation Note shall be determined based on the Principal Amount of the Bond Anticipation Note. The amount of interest payable on each Interest Payment Date shall be calculated by the Purchaser. The Purchaser, or subsequent Owner of the Bond Anticipation Note, will give written notice to the Paying Agent on or before each Interest Payment Date of the amount of interest payable on the Bond Anticipation Note on such Interest Payment Date. Interest on the Bond Anticipation Note will be payable in arrears. The Paying Agent may completely rely on Purchaser for interest rate calculations on the Bond Anticipation Note.

If a Determination of Taxability occurs with respect to the Bond Anticipation Note, to the

extent the interest borne by such Bond Anticipation Note becomes subject to inclusion in gross income, then the principal amount outstanding of such Bond Anticipation Note will bear interest during the Taxable Period at the Taxable Rate, such rate not to exceed the Maximum Rate. In such an event, the City shall also be responsible for payment of any interest, penalties or charges owed by the Purchaser as a result of interest becoming includable in the gross income of the Purchaser, together with any and all reasonable attorneys' fees, court costs or other out-of-pocket costs incurred by the Purchaser in connection therewith.

Notwithstanding the foregoing provisions of this section, on the occurrence and continuation of an Event of Default under the Purchase Agreement with respect to the Bond Anticipation Note, from and after the effective date of such Event of Default, the interest rate on the Bond Anticipation Note will be established at all times equal to the Term Loan Interest Rate plus 3% on the Principal Amount of the Bond Anticipation Note, such rate not to exceed the Maximum Rate.

(b) The faith and credit of the City is pledged for the payment of the Bond Anticipation Note. The proceeds of each general obligation bond issue for which the Bond Anticipation Note is issued in anticipation of is also pledged for the payment of the Bond Anticipation Note and the Bond Anticipation Note shall be retired from the proceeds of such general obligation bonds as the first priority.

The Bond Anticipation Note shall be registered as to principal and interest, and the Paying Agent, on behalf of the City, is directed to maintain the registration records with respect thereto. Principal of and interest on the Bond Anticipation Note shall be payable to the registered owner appearing on the registration records by wire transfer or by check, mailed to such registered owner at its address or in accordance with the wire instructions, as applicable, as it appears on such registration books and shall be received by the registered owner on the date such payment is due.

Actions taken by officials of the City to select paying and transfer agents, and a bond registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

(c) Both the principal of and the interest on the Bond Anticipation Note are payable in any lawful coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts. The Bond Anticipation Note shall bear interest from its date until the Principal Amount has been paid, but if the Bond Anticipation Note has matured or has been called for prepayment and the Prepayment Date has occurred and funds are available for the payment thereof in full in accordance with the terms of the Note Resolution, such Bond Anticipation Note shall then cease to bear interest as of the maturity date or Prepayment Date, as applicable. The Bond Anticipation Note will be dated as of its date of issuance, except that a Bond Anticipation Note issued in exchange for or on the registration of transfer of the Bond Anticipation Note will be dated as of the Interest Payment Date next preceding the date of authentication thereof, unless (1) the date of such authentication precedes the first Interest Payment Date, in which case it will be dated as of the date of the initial issuance of the Bond Anticipation Note or (2) the date of such authentication is an Interest Payment Date to which interest on the Bond Anticipation Note has been paid in full or duly

provided for in accordance with the terms of this Appendix A, in which case it will be dated as of such Interest Payment Date; except that if interest on the Bond Anticipation Note is in default, the Bond Anticipation Note executed and delivered in exchange for or on registration of transfer of the Bond Anticipation Note will be dated as of the date to which interest on the Bond Anticipation Note has been paid in full. If no interest has been paid on the Bond Anticipation Note, the Bond Anticipation Note executed and delivered in exchange for or on the registration of transfer of the Bond Anticipation Note will be dated as of the initial issuance of the Bond Anticipation Note.

Section 2.04. ***Restriction on Transfer of the Bond Anticipation Note***

. The Bond Anticipation Note is non-transferable, except to a bank, insurance company or similar financial institution or any other entity approved by the Commission. The Owner will give written notice to the City and the Paying Agent if any transfer of the ownership of the Bond Anticipation Note occurs and the Paying Agent will record such new Owner on the registration books for the Bond Anticipation Note. The City or the Paying Agent will have no obligation to pay any amounts due on the Bond Anticipation Note to anyone other than the Owner of the Bond Anticipation Note as shown on the registration books kept by the Paying Agent, on behalf of the City. The Paying Agent is not required to record a transfer of the ownership of the Bond Anticipation Note unless it receives an opinion of counsel as to the qualification for transfer under Section 2.04.

Section 2.05. ***Paying Agent***

. The Chief Financial Officer of the City is hereby appointed as the initial Paying Agent for the Bond Anticipation Note. The Chief Financial Officer of the City may appoint a successor Paying Agent at any time. The Paying Agent shall keep the books of the City for payment of the Bond Anticipation Note as provided in this Exhibit A. Such books shall be available at all reasonable times for inspection by the City. Certain provision of this Appendix A and the Bond Anticipation Note will only be applicable to the extent a successor Paying Agent is appointed and the Paying Agent is not the Chief Financial Officer of the City, as the context may require.

The City will transfer the amount necessary, or otherwise cause such amount to be available, to the Paying Agent, if applicable, on or before the date required to pay principal of, premium, if any, and interest on the Bond Anticipation Note and the Paying Agent will transfer to the Owner the payment of principal of, premium, if any, and interest on the Bond Anticipation Note when due. The Paying Agent shall treat the Purchaser as the Owner of the Bond Anticipation Note for all purposes under the Resolution and this Appendix A unless a transfer occurs in accordance with Section 2.04. The Paying Agent will have no responsibility to make payment of principal of, premium, if any, and interest on, the Bond Anticipation Note, other than to the Purchaser as the initial Owner of the Bond Anticipation Note or any subsequent Owner of the Bond Anticipation Note as shown on the registration books.

Any successor Paying Agent may at any time resign and be discharged of the duties and obligations created by this Exhibit A by giving at least 60 days' written notice to the City. The successor Paying Agent may be removed by the City at any time and be discharged of the duties and obligations created by this Appendix A by the Chief Financial Officer of the City giving at least 60 days' written notice to the Paying Agent. Any resignation or removal of the successor Paying Agent shall take effect on the day another successor Paying Agent has been appointed by the City and has accepted such appointment. If no successor Paying Agent is appointed within 60 days after a notice of resignation, the

resigning party may appoint a successor or petition any court of competent jurisdiction to appoint a successor.

The City agrees to indemnify a successor Paying Agent, to the extent permitted by law, against any liability which it may incur while acting in good faith in its capacity as Paying Agent except for its own negligence or willful misconduct, such indemnification including, but not limited to, any court costs and reasonable attorneys' fees. Any costs, fees or other expenses of a successor Paying Agent in the discharge of its duties under this Appendix A will be paid by the City.

ARTICLE III.

PREPAYMENT OF THE BOND ANTICIPATION NOTE

Section 3.01. ***Optional Prepayment of the Bond Anticipation Note***

. The City may prepay the Bond Anticipation Note, either in whole or in part, on any Business Day at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date.

Section 3.02. ***Mandatory Prepayment of the Bond Anticipation Note***

. In the event the City does not pay the Principal Amount of the Bond Anticipation Note on or before the Full Funding Date, and provided that the City has provided to the Purchaser on a date that is not less than five (5) Business Days and not more than ten (10) Business Days prior to the Full Funding Date a certificate stating (A) no Event of Default, or any event which with the giving of notice or the passage of time or both would constitute an Event of Default shall have occurred and be continuing and (B) the representations and warranties set forth in the Purchase Agreement are true and correct on the Full Funding Date as if made on such date, then the City shall instead pay to the Purchaser the outstanding Principal Amount of the Bond Anticipation Note as of such date (the "*Amortization Amount*") in installments payable on the six-month anniversary of the Full Funding Date and semi-annually thereafter so that the Amortization Amount is repaid in approximately six (6) equal semi-annual principal payments by the end of the Amortization Period. Any Principal Amount remaining unpaid on the Maturity Date shall be due and payable on the Maturity Date. In the event that the City does not deliver to the Purchaser such certificate as provided in this Section 3.02, the Bond Anticipation Note shall be subject to special mandatory prepayment in whole on the Full Funding Date at a prepayment price equal to 100% of the outstanding Principal Amount of the Bond Anticipation Note, plus accrued interest thereon to the prepayment date. The Bond Anticipation Note shall bear interest during the Term Loan Interest Rate Period at the Term Loan Interest Rate.

Section 3.03. ***Notice of Prepayment***

. The City will provide written notice of the optional prepayment of the Bond Anticipation Note not less than 30 days (or such lesser number of days as the Owner may accept), (1) to the Commission and the Paying Agent, if applicable, by Mail or electronic transmission, and (2) by Mail (or by such other means as may be permitted by the Owner) to the then-registered Owner of the Bond Anticipation Note at the last address shown on the registration books kept by the City.

Failure to provide such notice to the Commission and the Paying Agent will not affect the validity

of any proceedings for such prepayment.

Section 3.04. ***Record of Prepayment***

. The Owner will record any prepayments of the Bond Anticipation Note on the Table of Partial Prepayment attached to the Bond Anticipation Note (or otherwise kept on the Owner's official books and records, which may be electronic records). The Paying Agent may completely rely on the City and the Owner for any prepayments and notations thereof.

ARTICLE IV.

ADVANCES

Section 4.01. ***Advance of Bond Anticipation Note Proceeds***

. The City acknowledges and agrees that prior to the earliest to occur of (a) the date when the sum of the aggregate Advances made hereunder equals the Stated Principal Amount, (b) the date on which the Purchaser's obligation to make Advances under the Purchase Agreement terminates (as reflected in a written notice delivered by the Purchaser to the City) or (c) the Full Funding Date (the "*Advance Termination Date*"), the proceeds of the Bond Anticipation Note will be disbursed in installments through the making of Advances by the Purchaser in accordance with the Purchase Agreement. The Chief Financial Officer, or her designee, will indicate as part of each Advance the amount to be applied against each Bond Order. The date and amount of each Advance shall be noted on the Table of Advances attached to the Bond Anticipation Note (or otherwise kept on the Purchaser's official books and records, which may be electronic records); *provided* that the failure to record any such Advance on the Table of Advances shall not affect the Principal Amount due. In no event may the total amount of all Advances exceed the Stated Principal Amount. Following the Advance Termination Date, no additional Advances may be made. On the Advance Termination Date, the positive difference, if any, between the Stated Principal Amount and the aggregate principal amount of all Advances made under the Purchase Agreement shall be deemed to have been prepaid automatically and without any further notice or act by the City or any other Person. Any such automatic prepayment of principal shall not be taken into consideration in determining the Principal Amount of the Bond Anticipation Note and shall not be recorded on the Table of Partial Prepayment attached to the Bond Anticipation Note. The City will give written notice to the Paying Agent, if applicable, of each Advance. The Paying Agent may completely rely on the City and the Purchaser for dates and amounts of Advances.

Section 4.02. ***Application of Bond Anticipation Note Proceeds***

. The Paying Agent is hereby directed to create and establish a special fund into which the proceeds from the sale of the Bond Anticipation Note will be deposited (the *"Project Fund"*). The proceeds from each Advance will be deposited by the Purchaser with the Paying Agent, and the Paying Agent shall deposit such amounts in the Project Fund. The Paying Agent will, and if applicable at the written direction of the Chief Financial Officer or her designee, invest and reinvest any moneys held in the Project Fund as permitted by the laws of the State of North Carolina and the income, to the extent permitted by the Code, is to be retained in the Project Fund and applied with the proceeds of the Bond Anticipation Note to pay the costs of the Projects. The Paying Agent, on behalf of the City, shall keep and maintain adequate records pertaining to the Project Fund and all disbursements therefrom so as to satisfy the requirements of the laws of the State of North Carolina and to assure that the City maintains its

covenants with respect to the exclusion of the interest on the Bond Anticipation Note from gross income for purposes of federal income taxation. The proceeds of the Bond Anticipation Note in the Project Fund will be requisitioned in writing by the City and applied to the payment of costs of the Projects. The Paying Agent may completely rely on the City for the correctness and appropriateness of requisitions from the Project Fund and for the legality of any investments of the Project Fund.

ARTICLE V.

AMENDMENTS

Section 5.01. ***Amendments to Note Resolution***

. After the issuance of the Bond Anticipation Note, portions of the Note Resolution, including this Appendix A, may be amended or supplemented, from time to time, without the consent of the Owner of the Bond Anticipation Note if, in the opinion of nationally recognized bond counsel, such amendment or supplement would not adversely affect the interests of the Owner of the Bond Anticipation Note and would not cause the interest on the Bond Anticipation Note to be included in the gross income of a recipient thereof for federal income tax purposes. All other amendments or supplements to this Resolution require the consent of the owner of the Bond Anticipation Note, including any amendment or supplement that would reduce the principal amount of the Bond Anticipation Note, reduce the interest rate payable on it, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable.

Any act done pursuant to a modification or amendment consented to by the Owner of the Bond Anticipation Note is binding on all Owners of the Bond Anticipation Note and will not be deemed an infringement of any of the provisions of the Note Resolution, whatever the character of the act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of the Bond Anticipation Note Resolution, and after consent has been given, no Owner of the Bond Anticipation Note has any right or interest to object to the action, to question its propriety or to enjoin or restrain the City from taking any action pursuant to a modification or amendment. If a successor Paying Agent has been appointed, the Note Resolution, including Appendix A, may not be amended to expand the duties of Paying Agent or that are otherwise adverse to the Paying Agent without the prior written consent of the Paying Agent.

ARTICLE VI.

MISCELLANEOUS PROVISIONS

Section 6.01. ***Headings***

. Any heading preceding the text of the several articles hereof, and any table of contents or marginal notes appended to copies hereof, are solely for convenience of reference and does not constitute a part of this Appendix A or affect its meaning, construction or effect.

Section 6.02. ***Holidays***

. Except as otherwise provided herein, whenever any payment or action to be made or taken hereunder is stated to be due on a day which is not a Business Day, such payment or action will be made

or taken on the next following Business Day, and such extension of time will be included in computing interest, if any, in connection with such payment or action.

Section 6.03. ***Report to the Commission***

. As of June 30 of each year the City will provide to the Commission a report showing the amount of the Bond Anticipation Note Outstanding. On request, the City will send a report to the Commission demonstrating anticipated cash flow requirements for the Projects that the City anticipates financing with proceeds of the Bond Anticipation Note during the next fiscal year.

Section 6.04. ***No Recourse Against Members, Officers or Employees of the City or the Commission***

. No recourse under, or on, any statement, obligation, covenant, or agreement contained in the Note Resolution, in any Bond Anticipation Note, or in any document or certification relating to the Bond Anticipation Note, or under any judgment obtained against the City or the Commission or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise or under any circumstances, is to be had against any member, officer or employee, as such, of the City or the Commission, either directly or through the City, the Commission, or otherwise, for the payment for or to the City or the Commission or any receiver of the City or the Commission, or for, or to, any Owner or otherwise, of any sum that may be due and unpaid on any such Bond Anticipation Note. Any and all personal liability of every nature, whether at common law or in equity or by statute or by constitution or otherwise, of any such member, officer or employee, as such, to respond by reason of any act or omission on his or her part or otherwise, for the payment for, or to, the City or the Commission or any receiver of the City or the Commission, or for, any Owner or otherwise, of any sum that may remain due and unpaid on the Bond Anticipation Note hereby secured or any of them, is hereby expressly waived and released as an express condition of, and in consideration for, the adoption of the Note Resolution and the issuance of the Bond Anticipation Note.

Section 6.05. ***Governing Law***

. The Note Resolution, including this Appendix A, is governed by and to be construed in accordance with the laws of the State of North Carolina.

[End of Appendix A]

EXHIBIT A

FORM OF BOND ANTICIPATION NOTE

NO OFFERING CIRCULAR OR MEMORANDUM, OFFICIAL STATEMENT OR OTHER DISCLOSURE DOCUMENT HAS BEEN PREPARED OR PROVIDED BY THE CITY IN CONNECTION WITH THE OFFERING AND SALE OF THIS BOND ANTICIPATION NOTE. THIS BOND ANTICIPATION NOTE, EXCEPT FOR PERMITTED TRANSFERS AS SET FORTH HEREIN, IS NON-TRANSFERABLE

CITY OF ASHEVILLE, NORTH CAROLINA
GENERAL OBLIGATION BOND ANTICIPATION NOTE, SERIES 2018

No. R-1 **$23,000,000**

INTEREST RATE	DATED DATE	MATURITY DATE
Variable	**June 1, 2018**	**June 1, 2023**

REGISTERED OWNER: BANK OF AMERICA, N.A.

STATED PRINCIPAL AMOUNT: TWENTY THREE MILLION DOLLARS

The City of Asheville, North Carolina (the "*City*"), a municipal corporation of the State of North Carolina (the "*State*"), for value received, promises to pay, but solely from the sources and in the manner hereinafter provided, to the Owner named above the Stated Principal Amount set forth above or the Principal Amount (as hereinafter defined), whichever is less, on the Maturity Date set forth above (or earlier as hereinafter described). This Bond Anticipation Note is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and under The Local Government Finance Act (the *"Act"*), and the following bond orders: the Bond Order authorizing the City to issue general obligation bonds to finance certain transportation projects, the Bond Order authorizing the City to issue general obligation bonds to finance certain housing projects and the Bond Order authorizing the City to issue general obligation bonds to finance certain parks and recreation projects, each adopted by the City Council on August 9, 2016 and approved by a majority of voters at a referendum held on November 8, 2016. This Bond is being issued to provide funds to pay the capital costs of the projects authorized under the above-described Bond Orders. The Bond Anticipation Note is issued under a Resolution (as amended or supplemented from time to time, the *"Note Resolution"*), adopted on May 22, 2018, by the City Council of the City. Reference is hereby made to the Note Resolution for the rights, duties and obligations of the City and the rights of the Owner of the Bond Anticipation Note, and, by the acceptance of this Bond Anticipation Note, the Owner hereof assents to all of the provisions of the Note Resolution. Capitalized terms used herein and not defined have the meaning ascribed to them in the Note Resolution.

The City further promises to pay such Owner at the address as it appears on the registration books kept by the Paying Agent, which is initially the Chief Financial Officer of the City and subsequently any successor appointed in accordance with the Note Resolution, interest at the Interest Rate described in the Note Resolution and the Purchase Agreement on the lesser of (1) the Stated Principal Amount or (2) the

sum of the Advances made by the Purchaser pursuant to the Note Resolution and the Purchase Agreement (less any amount of the Bond Anticipation Note prepaid) and as reflected in the "Table of Advances" attached hereto or kept in the Owner's records (which may be electronic records) (the "*Principal Amount*"). Interest on this Bond Anticipation Note will be payable on the first Business Day of each month (each an "*Interest Payment Date*") from the Interest Payment Date next preceding the date of authentication (unless (1) the date of such authentication precedes the first Interest Payment Date, in which case interest with respect thereto shall be payable from the date of issuance of this Bond Anticipation Note or (2) the date of such authentication is an Interest Payment Date to which interest on this Bond Anticipation Note has been paid in full or duly provided for in accordance with the terms of the Note Resolution, in which case interest with respect thereto shall be payable from such Interest Payment Date) until the Principal Amount shall have been paid or provided for in accordance with the Note Resolution.

The City may prepay this Bond Anticipation Note, either in whole or in part, on any Business Day at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date.

In the event the City does not pay the Principal Amount of the Bond Anticipation Note on or before June 1, 2020 (the "*Full Funding Date*"), and provided that the City has provided to the Purchaser on a date that is not less than five (5) Business Days and not more than ten (10) Business Days prior to the Full Funding Date a certificate stating (A) no Event of Default, or any event which with the giving of notice or the passage of time or both would constitute an Event of Default shall have occurred and be continuing and (B) the representations and warranties set forth in the Purchase Agreement are true and correct on the Full Funding Date as if made on such date, then the City shall instead pay to the Purchaser the outstanding Principal Amount of the Bond Anticipation Note as of such date (the "*Amortization Amount*") in installments payable on the six-month anniversary of the Full Funding Date and semi-annually thereafter so that the Amortization Amount is repaid in approximately six (6) equal semi-annual principal payments by the end of the Amortization Period. Any Principal Amount remaining unpaid on the Maturity Date shall be due and payable on the Maturity Date. In the event that the City does not deliver to the Purchaser such certificate as provided in Section 3.02 of the Note Resolution, the Bond Anticipation Note shall be subject to special mandatory prepayment in whole on the Full Funding Date at a prepayment price equal to 100% of the outstanding Principal Amount of the Bond Anticipation Note, plus accrued interest thereon to the prepayment date. The Bond Anticipation Note shall bear interest during the Term Loan Interest Rate Period at the Term Loan Interest Rate.

The City will provide written notice of the optional prepayment of this Bond Anticipation Note not less than 30 days (or such lesser number of days as the Owner may accept), (1) to the Commission and the Paying Agent, if applicable, by Mail or electronic transmission, and (2) by Mail (or by such other means as may be permitted by the Owner) to the then-registered Owner of this Bond Anticipation Note at the last address shown on the registration books kept by the City.

Failure to provide such notice to the Commission and the Paying Agent will not affect the validity of any proceedings for such prepayment.

The Owner will record any prepayments of this Bond Anticipation Note on the Table of Partial Prepayment attached to this Bond Anticipation Note (or otherwise kept on the Owner's official books and records, which may be electronic).

This Bond Anticipation Note is non-transferable, except to a bank, insurance company or similar financial institution or any other entity approved by the Commission. The City or the Paying Agent will have no obligation to pay any amounts due on this Bond Anticipation Note to anyone other than the Owner of this Bond Anticipation Note as shown on the registration books kept by the City.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this Bond Anticipation Note, exist, have been performed and have happened, and that the amount of this Bond Anticipation Note, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes.

The faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this Bond Anticipation Note in accordance with its terms. The proceeds of each general obligation bond issue for which this Bond Anticipation Note is issued in anticipation of is also pledged for the payment of this Bond Anticipation Note and this Bond Anticipation Note shall be retired from the proceeds of such general obligation bonds as the first priority.

This Bond Anticipation Note is not valid or obligatory for any purpose until the certification hereon has been signed by an authorized representative of the Local Government Commission.

IN WITNESS WHEREOF, the City of Asheville, North Carolina has caused this Bond Anticipation Note to be executed with the manual or facsimile signatures of the City Manager and the City Clerk.

CITY OF ASHEVILLE, NORTH CAROLINA

By:
City Manager

By: _____
City Clerk

The issue hereof has been approved under the
provisions of The Local Government Finance Act.

_____
GREG C. GASKINS
Secretary of the Local Government Commission

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(Please print or typewrite Name and Address,
including Zip Code, and Federal Taxpayer Identification or
Social Security Number of Assignee)

the within Bond Anticipation Note and all rights thereunder, and hereby irrevocably constitutes and appoints

Attorney to register the transfer of the within Bond Anticipation Note on the books kept for registration thereof,
with full power of substitution in the premises.

Dated:_____

Signature guaranteed by:

NOTICE: Signature must be guaranteed by a participant of the Securities Transfer Agent Medallion Program ("*STAMP*") or similar program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond Anticipation Note in every particular, without alteration, enlargement or any change whatever.

TRANSFER FEE MY BE REQUIRED

TABLE OF ADVANCES

Upon the making of any Advance described in Section 4.01 of the Note Resolution, the Owner shall make the appropriate notation on the table below (or otherwise keep on the Owner's official books and records, which may be electronic):

Date	Amount of Advance	Total Principal Amount (following an Advance)	Signature of Representative of Owner

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TABLE OF PARTIAL PREPAYMENTS

Date	Amount Prepaid	Remaining Unpaid Principal Amount	Signature of Representative of Owner

RESOLUTION NO. 18- 119

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR SWEETGRASS APARTMENTS (MADISON CAPITAL GROUP)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville.; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Sweetgrass Apartments development represents the type of project envisioned for support within those goals and the LUIG; and

WHEREAS, at its meeting on May 22, 2018, the City Council provided City staff with direction to draft a land use incentive grant between the City of Asheville and Madison Capital Group for the Sweetgrass Apartments development; and

WHEREAS, pursuant to N.C. Gen. Stat. sec. 158-7.1, a public hearing is necessary prior to City Council consideration;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the Sweetgrass Apartments development is hereby set on June 19, 2018, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 18-120

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH CAROLINA TRACTOR & EQUIPMENT FOR SERVICES RELATED TO THE REPAIR AND MAINTENANCE OF CITY VEHICLES AND EQUIPMENT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with Carolina Tractor & Equipment for the provision of services related to the repair and maintenance of vehicles and equipment; and

WHEREAS, the City of Asheville desires to increase the annual contract value for the above-referenced contract from $200,000 to $300,000; and

WHEREAS, funding for said work is included in the budget and the Fleet Management Division would utilize funds from the operating budgets of the departments that are receiving the services provided by Carolina Tractor & Equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an Amendment to the Agreement for Services on behalf of the City of Asheville with Carolina Tractor & Equipment to increase the annual contract value from $200,000 to $300,000 for services related to the repair and maintenance of vehicles and equipment and further authorized to execute any change orders to said Agreement which may arise during performance of said work up to the budgeted amount.

Read, approved and adopted this the 22nd day of May, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION 18-_121

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT TO PROVIDE FOR THE FINANCING OF ADDITIONAL PROJECTS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) purchase real and personal property, (2) enter into installment contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price;

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, an Amendment Number One to the Installment Financing Contract dated as of June 1, 2016 (*"Amendment Number One"*) between the Corporation and the City and an Amendment Number Two to the Installment Financing Contract dated as of November 1, 2017 (*"Amendment Number Two"*) between the Corporation and the City;

WHEREAS, the proceeds related to the 2012 Contract were used by the City to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities;

WHEREAS, the proceeds related to entering into the 2012 Contract, as amended by Amendment Number One and Amendment Number Two, were used by the City to finance and refinance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities;

WHEREAS, in order to secure its obligations under the Contract, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012, as amended by a Notice of Extension and Amendment to Deed of Trust dated as on June 1, 2016 (collectively, the *"Deed of Trust"*), on the real property on which each of City Hall, the City's Public Works Facility and the City's Municipal Building is located, each such facility having had and/or will have repairs and renovations financed under the Contract;

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into Amendment Number Three to the Installment Financing Contract to be dated as of June 1, 2018, (the *"Third Contract Amendment"* and together with the 2012 Contract, as previously amended as described above, the *"Contract"*) between the Corporation and the City, which will further supplement and amend the 2012 Contract, in order to finance the costs of various additional projects in the City for affordable

housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the *"2018 Projects"*);

WHEREAS, in order to assist the City in financing the 2018 Projects, the Corporation will execute and deliver a Limited Obligation Bond (City of Asheville, North Carolina), Series 2018, in an aggregate principal amount not to exceed $48,000,000 (the *"2018 Bond"*), evidencing a proportionate undivided interest in the right to receive Revenues pursuant to the Contract;

WHEREAS, the 2018 Bond will be executed and delivered under and pursuant to an Indenture of Trust dated as of June 1, 2012 (the *"2012 Indenture"*), between the Corporation and Branch Banking and Trust Company, as trustee (the *"Trustee"*), as previously supplemented and amended, and a Supplemental Indenture, Number 3 to be dated as of June 1, 2018 (the *"Third Supplemental Indenture"* and together with the 2012 Indenture, the *"Indenture"*), between the Corporation and the Trustee;

WHEREAS, Bank of America, N.A. (the *"Purchaser"*) has agreed to purchase the 2018 Bond and provide the funding for the 2018 Projects pursuant to the terms of the Indenture, the Contract and a Bond Purchase and Advance Agreement to be entered into among the Corporation, the City, the Purchaser and the North Carolina Local Government Commission (the *"Purchase Agreement"*);

WHEREAS, there have been described to the City Council the forms of the following documents (collectively, the *"Instruments"*), copies of which have been made available to the City Council, which the City Council proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

(1) the Third Contract Amendment;

(2) the Third Supplemental Indenture; and

(3) the Purchase Agreement;

WHEREAS, it appears that each of the Instruments is in an appropriate form and is an appropriate instrument for the purposes intended;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, a public hearing on the Third Contract Amendment and the 2018 Projects after publication of a notice with respect to such public hearing was held by the City Council on May 22, 2018; and

WHEREAS, the City has filed an application to the LGC for approval of the Third Contract Amendment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Instruments.*** That all actions of the Mayor, the City Manager, the Chief Financial Officer, the City Clerk, including anyone serving as such in an interim capacity, and their respective designees (the *"Authorized Officers"*), whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Authorization to Execute the Third Contract Amendment and the Purchase Agreement.*** That the City approves the financing of the 2018 Projects as contemplated by the terms of the Instruments and in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The form and content of the Third Contract Amendment and the Purchase Agreement shall be and the same hereby are in all respects authorized, approved and confirmed, and the Authorized Officers, either individually or collectively, shall be and they hereby are authorized, empowered and directed to execute and deliver the Third Contract Amendment and the Purchase Agreement, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Third Contract Amendment and the Purchase Agreement presented to the City Council, and that from and after the execution and delivery of the Third Contract Amendment and the Purchase Agreement, the Authorized Officers, either individually or collectively, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract.

Section 3. ***City Representative.*** That each of the Authorized Officers are hereby designated as the City's Representative to act on behalf of the City in connection with the transactions contemplated by this Resolution and the Instruments, and they are authorized to proceed with the financing of the 2018 Projects in accordance with this Resolution and the Instruments and to seek opinions as to matters of law from attorneys as they deem appropriate for all documents contemplated hereby as required by law. The Authorized Officers, either individually or collectively, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Indenture, the Contract, the Instruments and the administration thereof after the issuance of the 2018 Bond and as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution. Any provision in this Resolution that authorizes more than one officer to take certain actions will be read to permit such officers to take the authorized actions either individually or collectively.

Section 4. ***Severability.*** That if any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 5. ***Repealer.*** That all motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 6. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 22nd day of May, 2018.

Magdalen Bouleson
City Clerk

Edwin E. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 18- 122

RESOLUTION AUTHORIZING THE APPROVAL OF THE 2018-19 STRATEGIC PARTNERSHIP FUND GRANTS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the award of Strategic Partnership Fund Grants, as recommended by the Housing and Community Development Committee as follows:

AGENCY	**AWARD**
Asheville Area Arts Council	$2,500
Asheville Art Museum Association	$7,500
Bountiful Cities	$10,000
Children First	$15,000
Christine Avery Learning Center	$30,000
Council on Aging	$12,500
Green Opportunities	$15,000
Just Economics	$5,000
My Daddy Taught Me That	$20,000
OnTrack Financial	$7,500
One Youth at a Time	$7,500
Pisgah Legal Services	$12,500
Project Lighten Up	$4,500
Project Peace - New Mt. Olive Church	$15,000
Read to Succeed	$12,000
The SPARC Foundation	$10,000

Youth Transformed for Life (YTL)	$25,000
YWCA - Swim Equity	$15,900
YWCA - Getting Ahead	$15,000
TOTAL	**$242,400**

2. Council authorizes the City Manager to sign all contracts and grants, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Grants.

Read, approved and adopted this 22nd day of May, 2018.

Magdalena Bouleson
CITY CLERK

Edna E Mar
MAYOR

Approved As To Form

CITY ATTORNEY

Magdalena Bouleson
City Clerk

RESOLUTION NO. 18-123

RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION OF ASHEVILLE

WHEREAS, City Council established a Human Relations Commission on April 10, 2018, to promote and improve human relations and achieve equity among all citizens in the City by carrying out the City's human relations program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Michael Carter, 85 Walnut Street, Asheville, North Carolina, be and he is hereby appointed a member of the Human Relations Commission of Asheville to serve an initial one year term, term to begin June 1, 2018, and expire June 1, 2019, or until his successor has been appointed.

John B. Christiansen, 19 Hampstead Road, Asheville, North Carolina, be and he is hereby appointed a member of the Human Relations Commission of Asheville to serve an initial one year term, term to begin June 1, 2018, and expire June 1, 2019, or until his successor has been appointed.

Gabrielle Fricke, 50 S. French Broad Avenue, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve an initial one year term, term to begin June 1, 2018, and expire June 1, 2019, or until her successor has been appointed.

Anne Greene, 800 Avalon Park Circle, Arden, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve an initial one year term, term to begin June 1, 2018, and expire June 1, 2019, or until her successor has been appointed.

Sarah Williams, 30 Ridge Street, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve an initial one year term, term to begin June 1, 2018, and expire June 1, 2019, or until her successor has been appointed.

Delores Venable, 108 Buchanan Drive, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve an initial one year term, term to begin June 1, 2018, and expire June 1, 2019, or until her successor has been appointed.

Christine Longoria, 11 Ramoth, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve an initial one year term, term to begin June 1, 2018, and expire June 1, 2019, or until her successor has been appointed.

Davidson L. Jones, 24 E. Larchmont Road, Asheville, North Carolina, be and he is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to begin June 1, 2018, and expire June 1, 2020, or until his successor has been appointed.

Chris Winebrenner, 54 Hillside Street, Asheville, North Carolina, be and he is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to begin June 1, 2018, and expire June 1, 2020, or until his successor has been appointed.

Mychal Bacoate, 62 Bradley Branch Road, Asheville, North Carolina, be and he is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to begin June 1, 2018, and expire June 1, 2020, or until his successor has been appointed.

Patrick Conant, 53 Frances Street, Asheville, North Carolina, be and he is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to begin June 1, 2018, and expire June 1, 2020, or until his successor has been appointed.

Ashley Cooper, 148 Montford Avenue, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to begin June 1, 2018, and expire June 1, 2020, or until her successor has been appointed.

Tiffany De'Bellott, 46 Hidden Acres Drive, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to begin June 1, 2018, and expire June 1, 2020, or until her successor has been appointed.

Pearl De'Bellott, 13 Granada Street, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to begin June 1, 2018, and expire June 1, 2020, or until her successor has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bullerson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

RESOLUTION 18-124

RESOLUTION APPROVING THE EXECUTION OF PROPERTY TAX COLLECTION MODIFICATION AGREEMENT WITH BUNCOMBE COUNTY

WHEREAS, the City of Asheville, North Carolina (the "City") and Buncombe County ("County") have power pursuant to General Statutes §153A-445 and Article 20 of Chapter 160A of the North Carolina General Statutes to jointly exercise any function which they have been granted the power to exercise alone and to enter into contracts or agreements to specify the details of these joint undertakings; and

WHEREAS, owners of property within the City are subject to property taxes of both the City and County; and

WHEREAS, the City Council of the City (the "City Council") has determined that it is an advantage to the citizens of the City to be subject to one billing and collection process for property taxes within both the City and County; and

WHEREAS, on or about June 28, 2005 the City and County did enter into and execute an Agreement ("Agreement") for County to bill and collect taxes for both the City and County; and

WHEREAS, the City and County mutually desire to enter into a modification of the Agreement ("Modification Agreement"); and

WHEREAS, the Modification Agreement shall set the billing and collection fee paid by the City to the County for fiscal year 2019 to a flat amount of $795,000 and revise the frequency of collected tax payments made by the County to the City from daily to weekly for certain time periods;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

The City Manager be, and is hereby, authorized to execute a Modification Agreement with Buncombe County for the purpose of billing and collecting property taxes on behalf of the City.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 18-125

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING, INC. FOR THE PROJECT KNOWN AS FISCAL YEAR 2018 ASPHALT PAVING IMPROVEMENTS – RESURFACING, CITY OF ASHEVILLE, PROJECT K1801

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 18 Asphalt Paving Improvements - Resurfacing, City of Asheville Project K1801; and

WHEREAS French Broad Paving, Inc. of Marshall, NC was the lowest responsible bidder for the project, and

WHEREAS French Broad Paving, Inc. shall provide all labor, materials and equipment for the installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $1,889,265.00 and the monies have been budgeted in the Capital Projects 2017-2018 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $1,889,265.00 plus a contingency $283,388.00 (15%) with French Broad Paving, Inc. for the project known as FY18 Asphalt Paving Improvements - Resurfacing, City of Asheville Project K1801.

Read, approved and adopted this the 19th day of June, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-126

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR AGREEMENT WITH PAYMENTUS FOR THE WATER RESOURCES DEPARTMENT INTERACTIVE VOICE RESPONSE PAYMENT ACCEPTANCE AND ELECTRONIC BILLING AND PAYMENTS SYSTEM

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, on August 9, 2017, the City issued a Request for Proposals for the Water Resources Department Interactive Voice Response Payment Acceptance and Electronic Billing and Payments System; and

WHEREAS, the scope of the project includes an interactive payment and billing system that would provide a variety of flexible and user friendly options for customers to access and pay utility bills; and

WHEREAS, following a review of the proposals, interviews and demonstrations, City Staff selected Paymentus; and

WHEREAS, the funding needed for this agreement will be allocated in the Water Resources Department Operating Fund as part of the City's approved annual budget process;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a three-year agreement with Paymentus starting in Fiscal Year 2018-19 with an option to renew annually for an additional two one-year extensions for the Water Resources Department Interactive Voice Response Payment Acceptance and Electronic Billing and Payments system for an amount not to exceed the City's approved budget for each applicable fiscal year period. Further, the City Manager is authorized to execute any change orders to said contract or documents up to the budgeted amount.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-127

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE THIRD-YEAR OPTION TO RENEW THE CONTRACT WITH MS LEAN LANDSCAPING LLC FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE WEST TWO DISTRICT IN ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville in the Parks and Recreation Department contracts ground maintenance services at various parks, greenways and facilities, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, the City entered into a one-year contract with MS Lean Landscaping LLC in Fiscal Year (FY) 2016-17 in the amount of $31,740.00 for ground maintenance service in the west two district, and exercised the option to renew a second one-year contract in FY 2017-18 with the option to renew for a third year based on contractor performance; and

WHEREAS, the City wishes to exercise the option to renew for a third year with MS Lean Landscaping LLC in FY 2018-2019 in the amount of $31,740 for ground maintenance service in the west two district. The third-year option to renew for FY 2018-2019 in the amount of $31,740, increases the cumulative amount of the contract to $95,220;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to exercise the third-year option to renew the contract with MS Lean Landscaping LLC in the amount of $31,740 for grounds maintenance services in various parks, greenways and facilities in the west two district in Asheville in the cumulative amount of $95,220.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-128

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE ASHEVILLE DOWNTOWN ASSOCIATION FOR SPACE AT 29 HAYWOOD STREET

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for such terms and conditions as the council sees fit, for periods of up to 10 years; and

WHEREAS, the City of Asheville is the owner of real property located at 29 Haywood Street, identified as PIN #9649-30-5692; and

WHEREAS, the City of Asheville agrees to lease to the Asheville Downtown Association approximately 811 square feet of office space and 1500 square feet of storage space in its building, for a five year term; with an option to renew for four (4) additional years, at a rental rate of $1,912/month; and

WHEREAS, the Asheville Downtown Association has offered a lease proposal that documents in-kind services for the public benefit that meet or exceed the value of rent (approximate fair market value of $1,912/month) for the space; and

WHEREAS, the Asheville City Council agrees that the in-kind services provided to the community by the ADA are acceptable compensation for the value of the lease over the lease term;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between the City of Asheville and the Asheville Downtown Association for office and storage space at 29 Haywood Street at PIN #9649-30-5692-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bullson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullson
City Clerk

RESOLUTION NO. 18-129

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH LAND OF SKY REGIONAL COUNCIL TO CONDUCT ENERGY AUDITS ON SELECT WATER RESOURCE FACILITIES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities ; and

WHEREAS, pursuant to N.C.G.S. 160A-461, units of local government may enter into agreements with each other in order to jointly exercise any power or function of local government; and

WHEREAS, the City desires to audit select water resource facilities to maximize our efficiency, reduce operating costs and reduce our carbon footprint, and

WHEREAS, Land of Sky and the City mutually wish to partner on this initiative and find that, under the terms of this Agreement, it is in the best interests of both parties and that the undertaking will benefit the public; and

WHEREAS, per City Council Resolution 09-135, the City adopted and committed to implementing the Sustainability Management Plan which includes increasing the efficiency of the water distribution system; and

WHEREAS, per City Council Resolution No. 11-77, the City committed to reducing municipal carbon emissions by 4% annually; and

WHEREAS, the services are being provided at no cost to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to enter into an agreement with Land of Sky Regional Council to conduct energy audits on select water resource facilities.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 18-130

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE THIRD-YEAR OPTION TO RENEW THE CONTRACT WITH LOCUST PROPERTY MANAGEMENT, LLC FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE EAST TWO DISTRICT IN ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville in the Parks and Recreation Department contracts ground maintenance services at various parks, greenways and facilities, which is part of the provision of core park maintenance level of service programs for the City of Asheville park system; and

WHEREAS, the City entered into a one-year contract with Locust Property Management, LLC in Fiscal Year (FY) 2016-17 in the amount of $31,300 for ground maintenance service in the east two district, and exercised the option to renew a second one-year contract in FY 2017-18 with the option to renew for a third year based on contractor performance; and

WHEREAS, the City wishes to exercise the option to renew for a third year with Locust Property Management, LLC. in FY 2018-2019 in the amount of $31,300 for ground maintenance service in the east two district. The third-year option to renew for FY 2018-2019 in the amount of $31,300, increases the cumulative amount of the contract to $93,900;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to exercise the third-year option to renew the contract with Locust Property Management, LLC in the amount of $31,300 for grounds maintenance services in various parks, greenways and facilities in the east two district in Asheville in the cumulative amount of $93,900.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-131

RESOLUTION AUTHORIZING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR GENERAL ELECTRIC CORPORATION AND UNISON ENGINE COMPONENTS, INC. IN CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, an existing Asheville manufacturing facility, operated by General Electric ("GE") Corporation and Unison Engine Components, Inc. ("Unison"), is proposing to expand a facility within the City limits adding $105 Million in new capital investment in Machinery and Equipment and facility improvements and creation of 131 new median wage jobs with benefits; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering discretionary performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on July 24, 2018, at 5:00 pm in Council Chamber to consider an Economic Development Incentive Grant for a term of 5 years, in an amount not to exceed $900,960 upon completion of the said project and terms of the performance contract.

Read and approved and adopted this 19th day of June, 2018.

Magdalen Bradley
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

RESOLUTION NO. 18-132

RESOLUTION AUTHORIZING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AND PURCHASE OPTION AGREEMENTS FOR WHITE LABS LOCATED AT 172 & 174 S. CHARLOTTE STREET IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering incentives to qualifying businesses locating and expanding within the corporate limits;

WHEREAS, in January 2015, Asheville City Council authorized an economic development incentive agreement with White Labs, Inc. which included a lease and option(s) to purchase City-owned property; and

WHEREAS, White Labs, Inc. has requested an amendment to the economic development incentive agreement that allows for an extension of the Option agreement for 174 S. Charlotte Street for one-year for an additional option fee of $10,000, and further clarifies that the existing land discount can be invoked if economic development improvements are performed at 172 S. Charlotte Street, 174 S. Charlotte Street or a combination of both;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, as approved by the City Attorney, to amend the economic development and option agreements with White Labs, Inc. for the purposes stated above. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this the 19th day of June, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

456

RESOLUTION NO. 18-133

RESOLUTION AUTHORIZING THE CREATION OF A CAPITAL RESERVE FUND FOR WATER DEVELOPMENT FEES

WHEREAS, there is a need in the City of Asheville to provide funds for future capital projects related to its water system, and to make debt service payments on existing debt related to past capital projects for its water system; and

WHEREAS, N.C.G.S. § 159-18 authorizes the creation of a capital reserve fund; and

WHEREAS, N.C.G.S. § 162A, Art. 8 requires that all system development fee proceeds be accounted for in a capital reserve fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. The Asheville City Council hereby creates a Capital Reserve Fund for the purpose of funding capital projects related to the City's water system:

North Fork Water Treatment Plant Dam / Tunnel Evaluation and Repairs Project (also known as the North Fork Spillway and Embankment Improvements Project). The North Fork Dam was built in 1955 following a severe drought. Since that time, state regulations have been updated to require reinforcement of dams to ensure their integrity in the event of an emergency. The estimated cost of the project is $40 million. The City expects to complete the project in 2020. The City anticipates issuing debt to fund the cost of the project and intends to use future system development fee collections to make debt service payments.

The 2018-19 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is $100,000.

Section 2. This Capital Reserve Fund shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The Capital Reserve Fund may be amended by the City Council as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 3. This Resolution shall become effective and binding upon its adoption.

Read, approved and adopted this the 19th day of June, 2018.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-134

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROJECT PARTNERSHIP AGREEMENT WITH THE US ARMY CORPS OF ENGINEERS FOR THE SWANNANOA RIVER FLOOD RISK MANAGEMENT PROJECT

WHEREAS, the City of Asheville has the authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS the City of Asheville has previously entered into a Federal Cost Share Agreement with the US Army Corps of Engineers for the Swannanoa River Flood Risk Management Project to select flood mitigation projects within the Swannanoa Valley as authorized by City Council Resolution No. 09-108; and

WHEREAS, the Biltmore Avenue Bridge Flood Mitigation Project was the recommended project from the study performed by the Corps; and

WHEREAS, the Biltmore Village area of the City of Asheville is subject to flooding and this project will lessen the impacts of future flooding; and

WHEREAS, the total project cost is estimated to be $6.4 million dollars with the cost split being 65% coming from the Corps of Engineers and a minimum of 35% coming from the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into the Project Partnership Agreement with the US Army Corps of Engineers for the Swannanoa River Flood Risk Management Project and is authorized to execute any modifications to the agreement necessary for the project up to the City's matching cost of $2,238,950.

Read, approved and adopted this the 19th day of June, 2018.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18- 135

RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF HYBRID BATTERY PACKS FOR TRANSIT BUSES

WHEREAS, N.C.G.S. § 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. § 143-129(e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of N.C.G.S. § 143-129(e), states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, Clarke Power Services, Inc is the only hybrid battery pack manufacturer that the City of Asheville may contract with in order to meet the provisions FTA's Bus & Bus Facilities Infrastructure Investment Program and the Urbanized Area Formula Program, and

WHEREAS, on February 13, 2018, City Council approved the FY18 budget amendment for the purchase of hybrid battery packs,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the purchase of Clarke Power Services, Inc hybrid battery packs as permitted under N.C.G.S. 143-129(e)(6) without formal bidding as the product is available from only one source of supply.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bradley
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

RESOLUTION NO. 18-136

RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND TO ENTER INTO A SOLE SOURCE CONTRACT FOR THE PURPOSE AND INSTALLATION OF ENERGY EFFICIENT LIGHTING IN THE FLEET MAINTENANCE GARAGE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City desires to participate in the electric utility Duke Energy Progress' Small Business Energy Saver (SBES) Program which pays for energy efficiency upgrades upfront for the purchase and installation of energy efficient lighting in the Fleet Maintenance Garage; and

WHEREAS, Lime Energy is the only approved contractor for the Small Business Energy Savers (SBES) Program, and in order to participate in the program, the City has no other choice of contractors; and

WHEREAS, item (6) of N.C.G.S 143-129(e) states that "the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."; and

WHEREAS, participation in the SBES Program and entering into the required sole source purchase and installation contract will enable the City to upgrade existing lights with new, highly efficient LED fixtures at a significant cost savings to the City; and

WHEREAS, funding is budgeted in the Green Program budgets;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City to participate in Duke Energy Progress' Small Business Energy Savers Program and to authorize the City Manager enter into sole source provider contract for the purchase and installation of energy efficient lighting products for the Fleet Maintenance Garage in the amount of $10,694.95 and authorizing the City Manager to execute any change orders up to the budgeted amount.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

460

RESOLUTION NO. 18-137

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT MODIFICATION AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR RIVERFRONT DESTINATION DEVELOPMENT GRANT

WHEREAS, the Buncombe County Tourism Development Authority (BCTDA) awarded the City $1.8 Million of funds for Riverfront Destination Development Projects in February 2015; and

WHEREAS, the BCTDA awarded the City $700,000 of funds for Riverfront Destination Development Project 2.0 in December 2016; and

WHEREAS, the BCTDA awarded the City $4.6 Million of funds for Riverfront Destination Development Projects in January 2018; and

WHEREAS, the City of Asheville wishes to consolidate these separate BCTDA grants into a modified single BCTDA grant and align the grant scope with the funded Riverfront Destination Development construction projects; and

WHEREAS, City Council has identified implementation of riverfront redevelopment capital improvement projects as a key strategic goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the grant modification agreement for the Riverfront Destination Development Project with the BCTDA.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-138

RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE THE GRANT AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE RIVERFRONT DESTINATION DEVELOPMENT 2.0 GRANT

WHEREAS, the Buncombe County Tourism Development Authority (BCTDA) awarded the City $700,000 of funds for Riverfront Destination Development Project 2.0 in December 2016; and

WHEREAS, Council transferred the funds from the BCTDA Riverfront Destination Development Project 2.0 into the BCTDA Riverfront Destination Development project for the purposes of consolidating grants and aligning the grant scope with the funded Riverfront Destination Development construction projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign the grant termination agreement for the Riverfront Destination Development 2.0 Project with the BCTDA.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

462

RESOLUTION NO. 18- 139

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN WEST ASHEVILLE BAPTIST CHURCH AND THE CITY OF ASHEVILLE FOR A PARKING LOT LOCATED AT REDFERN STREET AND LYNNDALE AVENUE

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, West Asheville Baptist Church is the owner of real property located at 926 Haywood Road, identified as PIN # 9628-95-7436-00000, which includes a parking lot measuring approximately 20,900 square feet; and

WHEREAS, the Asheville Police Department has been utilizing the parking lot located at the southwest corner of Redfern Street and Lynndale Avenue to store police vehicles and police personal vehicles while officers are on duty for over ten years and wishes to continue this use; and

WHEREAS, the City of Asheville wishes to enter into a lease agreement with West Asheville Baptist Church for a period of five years with the possibility of a four year renewal and agrees to pay a lump sum of no more than $50,000 as lease compensation, with which the church shall pave said parking lot;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between West Asheville Baptist Church and the City of Asheville for property located at the southwest corner of Redfern Street and Lynndale Avenue. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 19th day of June 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18- 140

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG CRAFTY ON THE DATE OF SUNDAY, JULY 15, 2018 FROM 12:00 PM – 7:30 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at The Big Crafty;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within The Big Crafty event area, as set forth in Exhibit A, attached.

   The Big Crafty event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed The Big Crafty on Sunday, July 15, 2018 from 12:00 p.m. – 7:30 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are

not allowed anywhere in The Big Crafty event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in The Big Crafty event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of The Big Crafty, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlesson
City Clerk

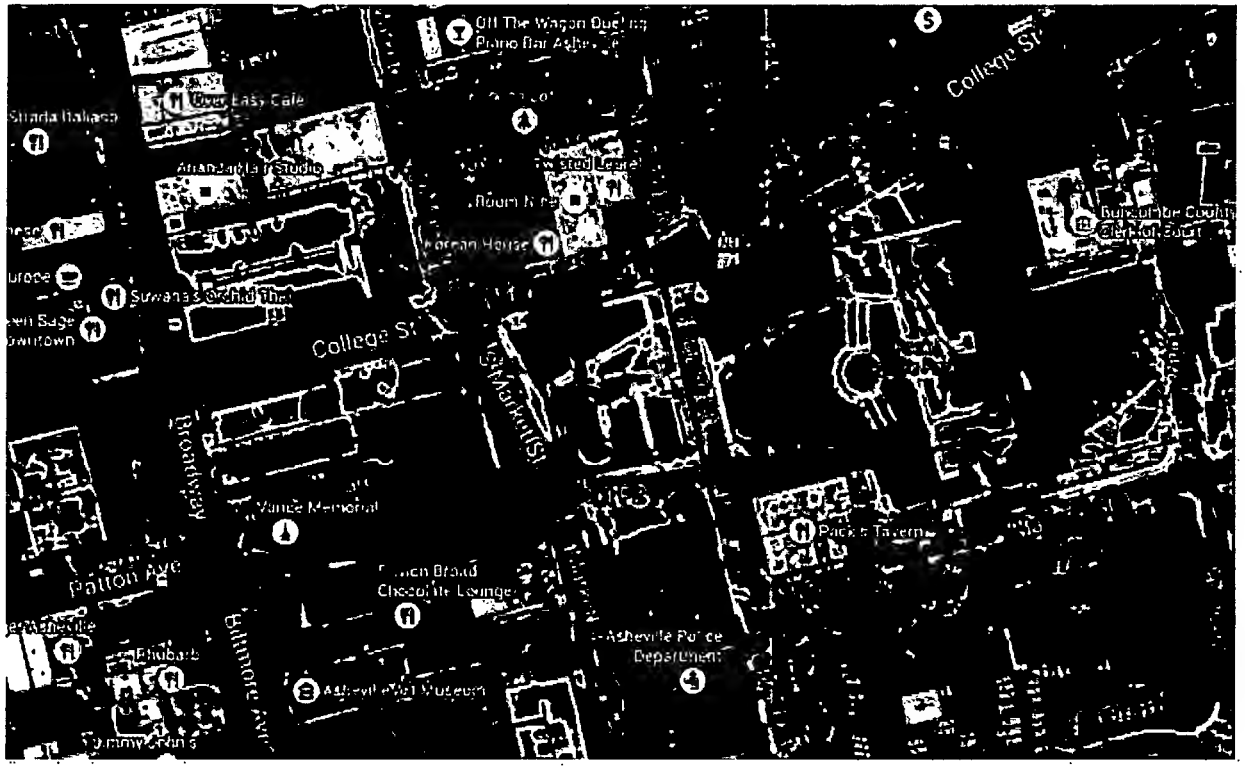
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18-141

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2018-2019 TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED ANNUAL ACTION PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, each year the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2018-19; and

WHEREAS, a public hearings has been held on June 19, 2018 to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the submission to HUD of the Consolidated Annual Action Plan for 2018-19 which is incorporated by reference as if fully set forth herein.

2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Annual Action Plan.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18- 142

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR SWEETGRASS APARTMENTS (MADISON CAPITAL GROUP)

WHEREAS, the City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Sweetgrass Apartments development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the Sweetgrass Apartments development located at 39 Bradley Branch Road will be a 255 unit multi-family rental development project that will fulfill a public purpose by providing 26 units of affordable housing (defined as rents that require payment of no more than 30% of gross income for a household with an income not exceeding 80% of the area median income), and will be located within .25 mile of a public transit route, within 1 mile of a job center along Airport Road, .5 miles from a public amenity, and is a brownfield development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1, The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with Madison Capital Group to support the development of the Sweetgrass Apartments project. The annual Land Use Incentive Grant will be the difference between the current City tax and the estimated post-completion City tax. Said grant amount currently estimated to be $210,590 annually, the exact amount to be determined by the actual assessed value of the development upon completion. The grant is approved for a period of 4 years and a 40% permit fee equivalent grant is approved, currently estimated to be $16,024. The City's grant shall be applied to the amount not covered by the Brownfield Grant over the four-year period, as opposed to equal payments over the requested four-year period. This would result in a grant disbursement that would increase annually over the four-year term; and may lead to an extension of the grant period until the total maximum grant amount is paid.

2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 143

RESOLUTION ADOPTING LIVING ASHEVILLE: A COMPREHENSIVE PLAN FOR OUR FUTURE AS THE OFFICIAL COMPREHENSIVE PLAN FOR THE CITY OF ASHEVILLE.

WHEREAS the current Comprehensive Plan for the City of Asheville, titled the "Asheville City Development Plan 2025", was completed in 2003, and is in need of updating; and

WHEREAS, the Asheville City Council authorized the City Manager to enter into a contract with Skidmore Owings and Merrill, PLLC, for the purposes of developing an update to the Asheville City Development Plan 2025 on April 26, 2016, and the City Manager signed a contract with the consultant team on May 12, 2016 in the amount of $264,345, and

WHEREAS, the updated and amended plan, titled "Living Asheville: A Comprehensive Plan for Our Future" ("Living Asheville") was developed over a two-year period that included an extensive public engagement process that included a Council-appointed Advisory Committee and a Technical Committee, consisting of representatives from city departments; and

WHEREAS, the Asheville Planning and Zoning Commission held a public meeting on April 11, 2018 and input was received on the draft amended plan; and

WHEREAS, the Asheville Planning and Zoning Commission held a public hearing on June 6, 2018 and voted 5-0 to recommend adoption of the amended plan based upon the oral and written comments presented before and at the hearing and the factors set forth in city's Unified Development Ordinance (UDO) Section 7-4-2(b)(4), and

WHEREAS, in accordance with Sec. 7-4-2(b)(3) of the UDO, the Asheville Planning and Zoning Commission prepared a report in which it found that:

A. Changes in the community have been identified, which are not adequately addressed in the current Comprehensive Plan;
B. There has been a change in projections or assumptions, including demographic and socioeconomic trends, on which the new Living Asheville Comprehensive Plan is based;
C. Living Asheville will promote the health, safety, and welfare of the City of Asheville;
D. Living Asheville is intended to guide physical development of Asheville over the next 10-20 years and reflects the community's vision for the future; and,
E. Living Asheville will help inform future decision making regarding land use and zoning regulations, capital improvements and other city policies, and

WHEREAS, on June 19, 2018 the City Council reviewed the Planning and Zoning Commission report at a public hearing and took due notice of comments from the public and interested parties; and

WHEREAS, Living Asheville aligns with the 2036 Council Vision in the area of "A Well Planned and Livable Community", and its adoption will satisfy Goal #6 of the Council Strategic Priorities; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The updated and amended comprehensive plan, Living Asheville: a Comprehensive Plan for Our Future, is hereby adopted based upon the oral and written comments presented before and at the hearing and the factors set forth in UDO Section 7-4-2.

Read, approved and adopted this 19th day of June 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 18-144

RESOLUTION RESCINDING PRIOR COUNCIL ACTION AND AFFIRMING SUPPORT FOR POLICIES THAT POLICE PROVIDE INFORMATION AND OBTAIN WRITTEN CONSENT AS A MEASURE TO BUILD TRUST BETWEEN THE COMMUNITY AND POLICE

WHEREAS, Recommendation 2.10 of the Final Report on 21st Century Policing states that when there is no warrant or probable cause to conduct a search, law enforcement officers should be required to seek consent before a search and explain that a person has the right to refuse consent, and further states that officers should ideally obtain written acknowledgment that they have sought consent to a search in these circumstances; and

WHEREAS, Pillar Two: Policy and Oversight of the Final Report on 21st Century Policing emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values; and

WHEREAS, policies implementing those recommendations further the City's goal of building and maintaining trust between the community and police; and

WHEREAS, the City Council of the City of Asheville supports a written consent policy for the Asheville Police Department to apply to searches of vehicles or premises so that all individuals are informed of their rights; and

WHEREAS, the Asheville Police Department utilizes written consent or warrants when searching homes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council's action, taken during its May 22, 2018, meeting, directing the City Manager to implement a written consent policy for the Asheville Police Department to apply to vehicle searches and searches of persons and their personal property, is hereby rescinded.

2. The City Council now authorizes the City Manager to work with the Asheville Police Department to implement a policy whereby police officers who request consent to search explain that a person has the right to refuse and obtain a person's written consent prior to a consent search occurring.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson

RESOLUTION NO. 18-145

RESOLUTION RESCINDING PRIOR COUNCIL ACTION AND AFFIRMING SUPPORT FOR POLICIES REGARDING REASONS FOR POLICE TO SEEK CONSENT TO CONDUCT SEARCHES AS A MEASURE TO BUILD TRUST BETWEEN THE COMMUNITY AND POLICE

WHEREAS, policies directing police officers to not seek consent to search a vehicle, person or personal property associated with a person, where the sole articulable reason for seeking such consent is the person's criminal record or apparent nervousness, furthers the City's goal of building trust between the community and police; and

WHEREAS, Pillar Two: Policy and Oversight of the Final Report on 21st Century Policing emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values; and

WHEREAS, communities in North Carolina and across the country have adopted similar policies; and

WHEREAS, the City Council recognizes the difference between "apparent nervousness" and behaviors indicative of criminal activity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council's action, taken during its May 22, 2018, meeting, directing the City Manager to implement a policy whereby the Asheville Police Department would not base consent searches of a vehicle on the basis that the person involved has a criminal record or because the person displayed suspicious movements or behaviors, is hereby rescinded.

2. The City Council now authorizes the City Manager to work with the Asheville Police Department to ensure that police officers do not seek consent to search a vehicle, person or property associated with a person, where the sole articulable reason for seeking such consent is the person's criminal record or apparent nervousness.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock

RESOLUTION NO. 18-146

RESOLUTION RESCINDING PRIOR COUNCIL ACTION AND AFFIRMING SUPPORT FOR POLICIES DE-EMPHASIZING ENFORCEMENT OF MINOR VIOLATIONS OF NORTH CAROLINA MOTOR VEHICLE STATUTES AS A MEASURE TO BUILD TRUST BETWEEN THE COMMUNITY AND POLICE

WHEREAS, policies de-emphasizing police enforcement of minor violations of North Carolina's motor vehicle statutes, such as expired registrations and improper equipment (hereinafter "regulatory violations"), furthers the City's goal of building trust between the community and police; and

WHEREAS, research shows that de-prioritizing regulatory stops reduces the potential for the escalation of force between police and the public; and

WHEREAS, Pillar Two: Policy and Oversight of the Final Report on 21st Century Policing emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values; and

WHEREAS, communities in North Carolina and across the country have adopted similar practices;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council's action, taken during its May 22, 2018, meeting, directing the City Manager to implement a policy whereby the APD will de-prioritize low-level regulatory vehicle stops, is hereby rescinded.

2. The City Council now authorizes the City Manager to work with the Asheville Police Department to include in a policy the practice of de-emphasizing police enforcement of regulatory and equipment-based violations that do not directly implicate public safety, such as expired registrations and equipment.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. M
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION NO. 18-147

RESOLUTION APPROVING GROVE ARCADE ASHEVILLE, LLC AS THE NEW SUBLESSEE FOR THE GROVE ARCADE; APPROVING THE NEW SUBLEASE, THE AMENDMENT TO THE LEASE BETWEEN THE CITY AND GROVE ARCADE PUBLIC MARKET FOUNDATION, AND OTHER ASSOCIATED DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS TRANSACTION

WHEREAS, the City of Asheville is the owner of real property located at 1 Page Avenue, identified as PIN #9649208691, and known as the Grove Arcade which was acquired from the Federal Government at no cost in April 1997, subject to the requirement that the property be used in perpetuity for "historic monument purposes"; and

WHEREAS, pursuant to N.C.G.S. 160A-266 and 160A-267, on August 25, 1997, the City entered into a 99 year lease, with an option to renew for an additional 99 years, with the Grove Arcade Public Market Foundation ("GAPMF"), a non-profit, for the purpose of restoring and preserving the historic Grove Arcade Building in accordance with national historic preservation guidelines (as monitored by the National Park Service); and

WHEREAS, the lease granted GAPMF the ability to sublease the premises, with such subleases also being subject historic preservation requirements; and

WHEREAS, in 1999, GAPMF, with the permission of the City, granted a sublease to Grove Restoration, LLC ("GAR") (which manages the first floor retail) and to Historic Grove Arcade, LLC ("HGA") (which manages the upper floors for office and residential uses), both of which had Caro Home/Progress Energy (now Duke Energy Progress) as a managing member that utilized the historic tax credit program to fund the majority of the $20M historic renovation of the Grove Arcade; and

WHEREAS, in October of 2016, GAPMF informed the City of their desire to transfer the sublease interests in the Grove Arcade to a new sublessee and requested approval by the City Manager of a competitive RFP Process to solicit proposals from interested and qualified parties; and

WHEREAS, in the Fall of 2017, as a result of a national RFP search, a Selection Committee made of representatives from GAPMF, GAR, and HGA, selected the Grove Arcade Asheville, LLC as the most qualified proposer to become the new Sublessee of the Grove Arcade, having demonstrated experience in the operation and management of mixed-use, historic properties; and

WHEREAS, per the Lease and associated documents with GAPMF, the City Council has the right to review the qualifications of the successful bidder/RFP respondent in order to determine whether they should be approved as a new Sublessee for the Grove Arcade; and

WHEREAS, the City Council has been presented with information on Grove Arcade Asheville, LLC and finds that they have the necessary qualifications to become the new Sublessee for the Grove Arcade; and

WHEREAS, the City Council has also reviewed the terms of the new Sublease, which are substantially similar to the terms of the existing subleases,(i.e. lease term of 99 years with an option to renew for an additional 99 years if GAPMF renews its primary lease for an additional 99 years; rent at $10/year; all operation and maintenance of the building to be the responsibility of the sublessee and subject to historic preservation requirements); and

WHEREAS, the City also contributed to the original cost of the Grove Arcade renovation via a COPS (1997C Bonds-Certificate of Participation) Loan which has since been paid off, and will receive repayment of the receivable from GAPMF in the amount of approximately $1.2M upon the sale of the sublease rights to the new Sublessee;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Grove Arcade Asheville, LLC is hereby approved as the new Sublessee for the Grove Arcade; that the new Sublease, Amendment to the Lease with GAPMF, and all associated documents discussed in the staff report are hereby approved; and the City Manager is hereby authorized to execute any and all documents necessary to give effect to this transaction.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlson
City Clerk

Mayor

Approved as to Form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-148

RESOLUTION ESTABLISHING THE CITY OF ASHEVILLE'S EQUITY ACTION PLAN IN SUPPORT OF THE ASHEVILLE EQUITY & INCLUSION INITIATIVE

WHEREAS, the City of Asheville values an inclusive, diverse community, where cultural diversity and social and economic equity are evident in all that we do, as stated in City Council's Vision 2036; and

WHEREAS, PolicyLink defines equity as just and fair inclusion into a society in which all can participate, prosper, and reach their full potential; and

WHEREAS, racial equity is defined as the condition when racial identity no longer predicts individual or group outcomes, and outcomes for all groups are improved; and

WHEREAS, all Asheville residents should live in a fair society where everyone can participate and has the opportunity to fulfill their potential because they have access to healthy, affordable food, transportation, quality education, living wage jobs, safe and affordable housing, and options for entrepreneurial pursuits; and

WHEREAS, the CIty of Asheville believes in eliminating all forms of oppression and discrimination such as and not limited to barriers or inequities based on race, gender, religion, color, national origin, or physical or mental disabilities; and

WHEREAS, deep racial disparities exist in all indicators of well-being due to the legacy of oppression, as well as presently manifested through institutional and structural racism; and

WHEREAS, the City of Asheville models the Government Alliance on Race and Equity's racial equity framework of normalize, operationalize, organize and visualize to eliminate racial disparities and advance racial equity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville adopts the attached Equity Action Plan and any amendments thereto.

Read, approved and adopted this 19th day of June, 2018

Magdalen Bullion
City Clerk

Mayor

Approved as to from:

City Attorney

Magdalen Bullion

Equity Action Plan - FY19 FINAL

Community Indicator What we hope to see in the community.	Outcomes and Actions What actions we will take and what we aim to achieve with these actions	Accountability Who is involved in the actions. Who is responsible for completion.	Timeline When we hope to see changes	Performance Measures What data we use to demonstate if changes are working	Progress Report Quarterly check-inon actions and outcomes
Goal 1: Reduce racial disparities within City government					
A. Workforce equity improved: Eliminate racial disparities in hiring and promotions; improve retention rates					
Demographics of people of color grows and unemployment and wage disparities decrease between Black and white populations. Baseline Data: 1216 Benefitted Employees - 89% white 11% people of color Executive & Senior Level 90% white 10% people of color FY18 hired 200 employees of which 13% were people of color	Evaluate people of color recruitment efforts to improve and expand outreach to underrepresented communities both local and non local.	Department Directors and Workforce Equity Action Team	October 2018	100% of Departments implementing Equity Action Plan Defined and developed metric for improving and expanding outreach	
	Offer strategies to hiring managers for removing implicit bias from the interview, hiring and promotion processes thus increasing people of color employed at all levels of the organization.	Workforce Equity Action Team/ Office of Equity & Inclusion	June 2019 October 2018	100% of Hiring Managers in Departments attend Implicit Bias Training Baseline employment data disaggregated by race, salary range, positions	
	Examine and document internal and external examples of recruitment and retention successes	Workforce Equity Action Team and Management Team	October 2018 February 2019	Shared resources across departments Defined succesful strategies Documented implementation of successful strategies by departments Developed method for sharing across departments	
	Apply recommended recruitment and retention strategies throughout COA to ultimately hire and retain more people of color	Management Team and Workforce Equity Team	December 2018 June 2019	Shared resources across departments Documented implementation of successful strategies by departments 2% people of color hired; retained	
	Provide resources to staff to facilitate their professional growth in order to increase the pool of people of color applying for and securing supervisory and manager positions.	Workforce Equity Action Team and Human Resources	June 2019	5% of employees participate in professional development and growth opportunities 1% increase in people of color employees promoted 1% increase in people of color supervisors	
	Partner with COA HR to track wages and employment statistics to evaluate improvements for hiring and retaining	Workforce Equity Action Team and Human Resources	June 2019	1% increase in people of color employed and increase in average wages	
B. Contracting & Procurement equity improved: Increase the <$30,000 contracting threshold opportunity for Black owned businesses					

Minority-owned businesses increase annual income Baseline Data: $40K Annual income for Black Owned businesses - The State of Black Asheville, 2012	Community Engagement with Black owned businesses to identify barriers to conducting business with COA	Contracting & Purchasing Interdepartmental Action Team (Neighborhood Coordinator, Minority Business Manager, CAPE)	November 2018	Document and track meeting attendance Document barriers to develop solutions Develop measure of impact	
	Create policy and/or change procedure for all planning for outreach and engagement include stakeholders within the community	Contracting & Purchasing Interdepartmental Action Team, Purchasing Division, Minority Business Manager, City Manager's Office, City Council	February 2018	Ability to track outreach to all Minority Businesses Track Minority Businesses under $30K	
	Improve COA database to indicate whether vendor or subcontrator is a minority business	Contracting & Purchasing Interdepartmental Action Team, Information Technology Dept., Purchasing Div.	June 2019	Establish database Improvement of Minority Business Outreach Resource for COA employees to utilize Develop orientation/training and support for COA employees	
	Departments entering Minority Businesses into database	Contracting & Purchasing Interdepartmental Action Team, Management Team	February 2018	Minority Businesses entered at department level	
	Create measurable minority business outreach requirements for <$30K General Services and Building Constuction contracts	Contracting & Purchasing Interdepartmental Action Team, Minority Business Manager, Management Team	June 2019	Increase Minority Business utilization by COA	
C. Knowledge and tools used by City staff and Council to advance racial equity increases: Capacity and infrastructure in place to implement Racial Equity Action Plan					
City policies, practices and procedures support equitable and inclusive government	Employee Equity Survey results are used to develop strategies for increased employee understanding and work to advance initiative	Internal Capacity Interdepartmental Action Team, Office of Equity & Inclusion	September 2018	Equity Training and Technical Assistance program developed	
	City employees have the understanding, core competencies, skills, tools, and resources needed to advance racial equity	Internal Capacity Interdepartmental Action Team, Office of Equity & Inclusion	June 2019	Employee performance expectations include advancing racial equity; 15% of employees participate in equity training	
	Establish annual accountability agreements between City Manager(s) and Management Team on applicable Equity & Inclusion Goals	Executive Team, Office of Equity & Inclusion, Management Team	August 2018	100% of annual Department Director accountability agreements with City Manager are written and signed; Agreements are tracked and reported on quarterly basis; Performance expectations reflect measurable standards for advancing racial equity and are tracked	

	Convene a Racial Equity Strategic Leadership Team responsible for high-level accountability and oversight of implementation of Equity Action Plan.	Executive Team, Office of Equity & Inclusion, Management Team	September 2018	Racial Equity Strategic Leadership Team convened	
	Interdepartmental Action Teams guide the implementation, tracking and reporting of each Equity Action Plan Goal (ie. Workforce Equity, Contracting & Procurement, Community Engagement, Economic Inclusion and Capacity Building)	Executive Team, Office of Equity & Inclusion, Management Team	July 2018 December 2018 May 2019	Interdepartmental Action Teams convened; Oversee and track the implementation of focus area; Report progress on annual performance measures	
Goal 2: Strengthen how the City equitably provides services and inclusively engages with the community					
A. Equitable and inclusive outreach and public engagement are improved:					
All residents have access and opportunities to engage in public decision-making	The City's community engagement activities engage participants who reflect the demographics of the neighborhoods where services, improvements, changes occur and impact the most	City-wide Outreach & Public Engagement interdepartmental team	Jun 2019	Develop measure of community engagement Implement community engagement measure Track results	
	City-wide Outreach & Public Engagement interdepartmental team as a structure for coordinating inclusive outreach and public engagement across the city	Neighborhood & Community Engagement Manager, proposed Inclusive Engagement Manager (Equity Office), Community Engagement Pilot Project Team, Departments	June 2019	Establish Outreach & Public Engagement Interdepartmental Action Team Track progress of regular meeting	
	Build relationships with informal community leaders from underrepresented groups for recommendations and applicants for City boards & commissions	Neighborhood & Community Engagement Manager, proposed Inclusive Engagement Manager (Equity Office), Community Engagement Pilot Project Team, Departments, Deputy City Clerk, Boards & Commissions Staff Liaisons	December 2019 June 2019	Establish baseline (May 2018) Increase Boards & Commissions applications by people from underrepresented groups	
	Track, recruit and facilitate the appointment of racially diverse boards and commission members	Neighborhood & Community Engagement Manager, proposed Inclusive Engagement Manager (Equity Office), Community Engagement Pilot Project Team, Departments, Deputy City Clerk, Boards and Commissions Staff Liaisons	June 2019	Increase people of color on boards and commissions by 10% from May 2018 baseline	
	Provide supportive tools and resources for a culture of inclusion on boards and commissions	Neighborhood & Community Engagement Manager, proposed Inclusive Engagement Manager (Equity Office), Community Engagement Pilot Project Team, Departments, Deputy City Clerk, Boards & Commissions Staff Liaisons	June 2019	Create tools, orientation and repository of tools and resources	

	Approval of a city-wide inclusive engagement resolution by City Council	Neighborhood & Community Engagement Manager, proposed Inclusive Engagement Manager (Equity Office), Community Engagement Pilot Project Team, Departments	March 2019	Policy approved 30% of externally focused departments (CAPE, Capital Projects, CED, Parks & Rec, Public Works, Water, Transportation) include new policy in workplans	
	City-wide administrative policy	Neighborhood & Community Engagement Manager, proposed Inclusive Engagement Manager (Equity Office), Community Engagement Pilot Project Team, Departments, Equity Office and CMO, Assistant City Clerk, Boards & Commissions Staff Liaisons	January 2019	Policy adopted by Management Team and included in departments' workplans	
B. Existing services are systematically reviewed and improved using racial equity best practices criteria:					
All residents agree the actions and values of local government are aligned	Provide appropriate training to all employees to advance attainment of core competencies	Internal Capacity Interdepartmental Action Team, Office of Equity & Inclusion	June 2019	80% employees who attend equity training attain equity core competencies	
	Institutional barriers to racial equity within the city are identified, analyzed and acted upon using equity tools	Internal Capacity Interdepartmental Action Team	June 2019 December 2018 June 2019	15% employees participate in equity and incluison training Racial Equity Toolkit training available and tools electronically accessible % of departments using Racial Equity Assessment Tools for decision-making Policy, Procedure and Practice changes/newly adopted are tracked	
Goal 3: Eliminate racial disparities in our communities					
A. Race-based disparities in our communities are decreased:					
All residents share in Economic Inclusion (equitable opportunities in employment, income, affordable housing, wealth building and entrepreneurship) Baseline Data: - Renting vs. Ownership (State of Black Asheville) 63% of black families vs 48% of white familes rent (American Community Survey 2012). 37% of black families vs 52% of	Assess selected city-owned properties for development; Create an opportunity to fund future City of Asheville Community Land Trust Increase affordable housing opportunities	Development and Anti-Gentrification Equity Action Team, City-Owned Property Team	June 2019	Identify city-owned property for development; 2 properties under development Decision-making tool finalized, approved by Management Team and adopted by City Council Develop education materials for the community to explain the model and city owned property initiative Asheville Community Land Trust established and incorporated	

white families own (American Community Survey 2012). - Renting vs. Ownership (ACS FactFinder) 71% of black families vs 49% of white families rent their homes (American Community Survey 2016). 28% of black families vs 50% of white families own their homes (American Community Survey 2016). There are ten public housing communities with 3,100 residents; 71.8% are black. 1.350 families receive funding from Housing Choice Vouchers (Section 8).	Convene regional partners and potential collaborators in developing Economic Inclusion for Southern Cities strategy	Office of Equity & Inclusion; WNC Diversity Engagement Coalition; Annie E. Casey Foundation; PolicyLink	October 2018 June 2019	Plan and implement convening Follow-up with action-oriented meetings to develop strategic regional plan; include community engagement Develop Regional Action Plan	
	TBD				
	TBD				
City, community and public and private institutions work together to address race-based disparities that impact our communities	Convene regional public institutions in action-oriented collaborative to eliminate racial disparities in our communities	Office of Equity & Inclusion, Executive Team	June 2019	Public Institutions formally adopt initiatives to eliminate racial disparities and advance racial equity;	
	Partner with nonprofits and private industy on eliminating racial disparities in our communities	Office of Equity & Inclusion, Executive Team, Management Team, CED, Parks & Rec	December 2018 June 2019	Update Agreements & Partnership Policy to include equity and inclusion outcomes All new partnership agreements include language to eliminate racial disparities and advance racial equity	
	Partner to support education, training, dialogue and other learning opportunities to engage community members in critical race analysis, normalizing, operationalizing and organizing to eliminate racial disparities in communities	Human Relations Commission, Office of Equity & Inclusion	June 2019	Track # of learning and/or dialogue partnership opportunities Develop and track measure of impact	
	Develop trusting relationships with community, especially those most impacted by disparities. Assist in traditionally underrepresented community members connecting and engaging with government and feeling empowered to voice their needs, desires and demands of local government	HRCA, Community, Executive Team, Mayor & City Council	Ongoing	Community conversations occurring Community and City shares power in developing citywide equity statement/vision and accountability measures	

RESOLUTION NO. 18-149

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A WATER PRODUCTION AND DISTRIBUTION AGREEMENT WITH HENDERSON COUNTY

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville ("City") has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. §160A-461, units of local government are authorized to enter into contracts or agreements with each other in order to execute any undertaking; and

WHEREAS, the City and Henderson County (collectively "the Parties"), along with the Cane Creek Water and Sewer District, the Asheville/Buncombe Water Authority ("the Authority") and Buncombe County entered into a Regional Water Supply and Water Service Agreement in 1994 and a First Amended and Restated Water Supply and Water Service Agreement in 1995; and

WHEREAS, the Authority was dissolved on July 1, 2005 and the City and Henderson County agree that the above-stated agreements are no longer legally effective or binding and desire to enter into a new agreement; and

WHEREAS, the Parties wish to memorialize the applicability of the Sullivan Acts and the City's Water Policy to the portion of the Asheville's Water System located in Henderson County, including the Cane Creek Service Area; and

WHEREAS, the City agrees that it will provide the opportunity for large industrial water users who meet certain minimum requirements and who plan to located in the Asheville Service Area, which includes the Cane Creek Service Area, to request funds from the Asheville City Council ("City Council") to assist with the payment of water infrastructure to connect to the City's water system; and

WHEREAS, the decision as to whether to grant economic incentive funds and the amount of said funds will be within the City Council's sole discretion, and based upon factors to be determined by the City Council which may include the following: the amount of water required; the number of jobs created; and the cost of the infrastructure improvements; and

WHEREAS, if the Sullivan Acts are repealed and if not otherwise prohibited by law, the City agrees to the following: i) a right of first refusal to Henderson County should the City receive an offer to buy the Mills River Plant and/or portions of the water system located in Henderson County; ii) the approval of Henderson County if the City extends any water lines into the unincorporated areas of the county; and iii) if the City's water system becomes governed by a board other than Asheville by voluntary agreement to which Asheville is a party, then Henderson County shall become a voting member to said board, with voting representation proportional to the number of Henderson County water customers;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute a Water Production and Distribution Agreement with Henderson County.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Boulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Boulleson
City Clerk

RESOLUTION NO. 18-150

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, the term of Marvin Chambers, as a member of the African American Heritage Commission, will expire on July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Marvin D. Chambers, 2 Lakewood Drive, Asheville, N.C., be and he is hereby appointed as a member to the African American Heritage Commission, to serve an additional three-year term, term to expire July 1, 2021, or until his successor has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bullson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullson

RESOLUTION NO. 18-151

RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, the term of Bob Roberts, as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, will expire on June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Brad Galbraith, 5 Bevlyn Drive, Asheville, N.C., be and he is hereby appointed as a member of the Greater Asheville Regional Airport Authority and the Asheville Regional Airport Authority, to serve a four-year term, term to expire on June 30, 2022, or until his has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-152

RESOLUTION APPOINTING MEMBERS TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, the terms of Carol Rogoff Hallstrom (North), Larry Holt (Central) and Clifford Joslin (South) expired on June 30, 2017; and

WHEREAS, Allen Brailsford (West) resigned, thus leaving an unexpired term until June 30, 2021; and

WHEREAS, Debbie Applewhite (East) resigned, thus leaving a term until June 30, 2021; and

WHEREAS, Sir Charles Gardner (Housing Authority representative) resigned, thus leaving a term until June 30, 2021; and

WHEREAS, Jayden Gurney (resident of Housing Authority property) resigned, thus leaving an expired term until June 30, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Clifford Joslin, 37 Bideford Row, Asheville, N.C., be and he is hereby reappointed as a member of the Citizens-Police Advisory Committee (South representative) to serve a three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Michael Hayes, 38 Klondyke Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Citizens-Police Advisory Committee (West representative) to serve an unexpired term, term to expire June 30, 2021, or until his successor has been appointed.

Karl Katterjohn, 15 Bethesda Road, Asheville, N.C., be and he is hereby appointed as a member of the Citizens-Police Advisory Committee (East representative) to serve an unexpired term, term to expire June 30, 2021, or until his successor has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlson
CITY CLERK

Esme Mark
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-153

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of Joel Storrow, Chris Bubenik and Greg Duff, will expire on June 30, 2018; and

WHEREAS, Mr. Joe Greene has resigned from the Civic Center Commission, thus leaving an unexpired term until June 30, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Greg Duff, 46 Kensington Drive, Asheville, N.C., be and he is hereby reappointed as a member to the Civic Center Commission to serve an additional three-year term, term to expire June 30, 2021, or until his successor has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-154

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, the terms of George Grigg (electrical contractor), Charlie Wheeler (journeyman electrician), David Martin (utility representative), Russell Thacher (licensed engineer) and Kenneth Frisbee (layman) will expire on July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. George Grigg, Post Office Box 64, Flat Rock, N.C., be and he is hereby reappointed (as an electrical contractor) to serve an additional three-year term, term to expire July 1, 2021, or until his successor has been duly appointed.

Mr. Charlie Wheeler, 2750 Bull Creek Road, Marshall, N.C., be and he is hereby reappointed (as a journeyman electrician) to serve an additional three-year term, term to expire July 1, 2021, or until his successor has been duly appointed.

Mr. Russell Thacher, 927 Country Club Road, Asheville, N.C., be and he is hereby appointed (as a licensed engineer) to serve a three-year term, term to expire July 1, 2021, or until his successor has been duly appointed.

Mr. David Martin, 555A Brevard Road, Asheville, N.C., be and he is hereby appointed (as a utility representative) to serve an additional three-year term, term to expire July 1, 2021, or until his successor has been duly appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 18-155

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, the terms of William Eakins and Charles Flowers, as members on the Asheville-Buncombe Historic Resources Commission, will expire on July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. William Eakins, Post Office Box 890, Asheville, North Carolina, be and he is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve an additional three-year term, term to expire on July 1, 2021, or until his successor has been appointed.

Mr. Charles "Ed" Flowers, 65 Longview Road, Asheville, North Carolina, be and he is hereby reappointed, as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire on July 1, 2021, or until his successor has been appointed.

Read, approved and adopted this 19th day of July, 2018.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson

RESOLUTION NO. 18-156

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the term of Jay Lively, as a member on the Homeless Initiative Advisory Committee, expired on November 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Elvia Diaz, 39 Grove Street, Asheville, N.C., be and she is hereby appointed as a member to the Homeless Initiative Advisory Committee, to serve a three-year term, term to expire November 1, 2020, or until her successor has been appointed.

Read, approved and adopted this 19th day of June , 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-157

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the terms of Kim Roney (representing transit interests) and Mary Weber (representing greenway interests), will expire on July 1, 2018; and

WHEREAS, Billie Lofland has resigned, thus creating a vacancy until July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Kim Roney, 293 Westwood Place, Asheville, N.C., be and she is hereby reappointed as a member of the Multimodal Transportation Commission (representing transit interests) to serve a three-year term, term to expire July 1, 2021, or until her successor has been appointed.

Ms. Mary Weber, 131 Evelyn Place, Asheville, N.C., be and she is hereby reappointed as a member of the Multimodal Transportation Commission (representing greenway interests) to serve a three-year term, term to expire July 1, 2021, or until her successor has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 18-158

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of Spencer Hardaway (representing 28803 or 28704 zip code), Mike Wasmer (at-large representative) and Joseph Fioccola (representing 28801 zip code) as members on the Neighborhood Advisory Committee, will expire on July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Spencer Hardaway, 82 Pebble Creek Drive, Asheville, N.C., be and he is hereby reappointed as a member of the Neighborhood Advisory Committee (representing 28803 or 28704 zip code), to serve an additional three-year term, term to expire July 1, 2021, or until his successor has been appointed.

Mike Wasmer, 135 South Grove, Asheville, N.C., be and he is hereby reappointed as a member of the Neighborhood Advisory Committee (at-large representative), to serve a three-year term, term to expire July 1, 2021, or until his successor has been appointed.

Joseph Fioccola, 34 Girdwood Street, Asheville, N.C., be and he is hereby reappointed as a member of the Neighborhood Advisory Committee (representing 28801 zip code), to serve an additional three-year term, term to expire July 1, 2021, or until his successor has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-159

RESOLUTION APPOINTING MEMBERS TO THE NOISE ORDINANCE APPEALS BOARD

WHEREAS, the terms of Tod Leaven (Regular member) and Robert Glenn (Alternate member) on the Noise Ordinance Appeals Board will expire July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Tod Leaven, 55 Ramoth Road, Asheville, N.C., be and he is hereby reappointed as a Regular member to the Noise Ordinance Appeals Board to serve an additional three-year term, term to expire July 1, 2021, or until his successor has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Boulson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Boulson
City Clerk

RESOLUTION NO. 18-160

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, the terms of Ali McGhee, Micah Mackenzie and Constance Richards, as members on the Public Art & Cultural Commission, will expire on June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ali McGhee, 353 Dingle Creek Lane, Asheville, N.C., be and she is hereby reappointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2021, or until his successor has been appointed.

Johanna Hagarty, 110 Joyner Avenue, Asheville, N.C., be and whe is hereby appointed, as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2021, or until her successor has been appointed.

Constance Richards, 171 Pearson Drive, Asheville, N.C., be and she is hereby reappointed, as a member of the Public Art & Cultural Commission, to serve an additional three-year term, term to expire June 30, 2021, or until her successor has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock

RESOLUTION NO. 18-161

RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

WHEREAS, the terms of Jeff Luttrell, Robert Pierce, Dean Pistor and Helen Hyatt, as members on the Recreation Board, will expire on June 30, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

John Irving, 55 School Road, Asheville, N.C., be and he is hereby appointed, as a member of the Recreation Board, to serve a three year term, term to expire June 30, 2021, or until his successor has been appointed.

Ms. Helen Hyatt, 14 Swindale Street, Asheville, N.C., be and she is hereby reappointed, as a member of the Recreation Board, to serve an additional three-year term, term to expire June 30, 2021, or until her successor has been appointed.

Mr. Jeff Luttrell, 77 5th Avenue, Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve a three-year term, term to expire June 30, 2021, or until his successor has been appointed.

Mr. Robert Pierce, 12 Munn Drive, Asheville, N.C., be and he is hereby reappointed, as a member of the Recreation Board, to serve an additional three-year term, term to expire June 30, 2021, or until his successor has been appointed.

Ron Nelson, 201 Lower Edgewood Road, Candler, N.C., be and he is hereby appointed, as a member of the Recreation Board, to serve the unexpired term of Ms. Weldishofer, term to expire June 30, 2020, or until his successor has been appointed.

Read, approved and adopted this 19th day of June, 2018.

Magdalen Bullen
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullen

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

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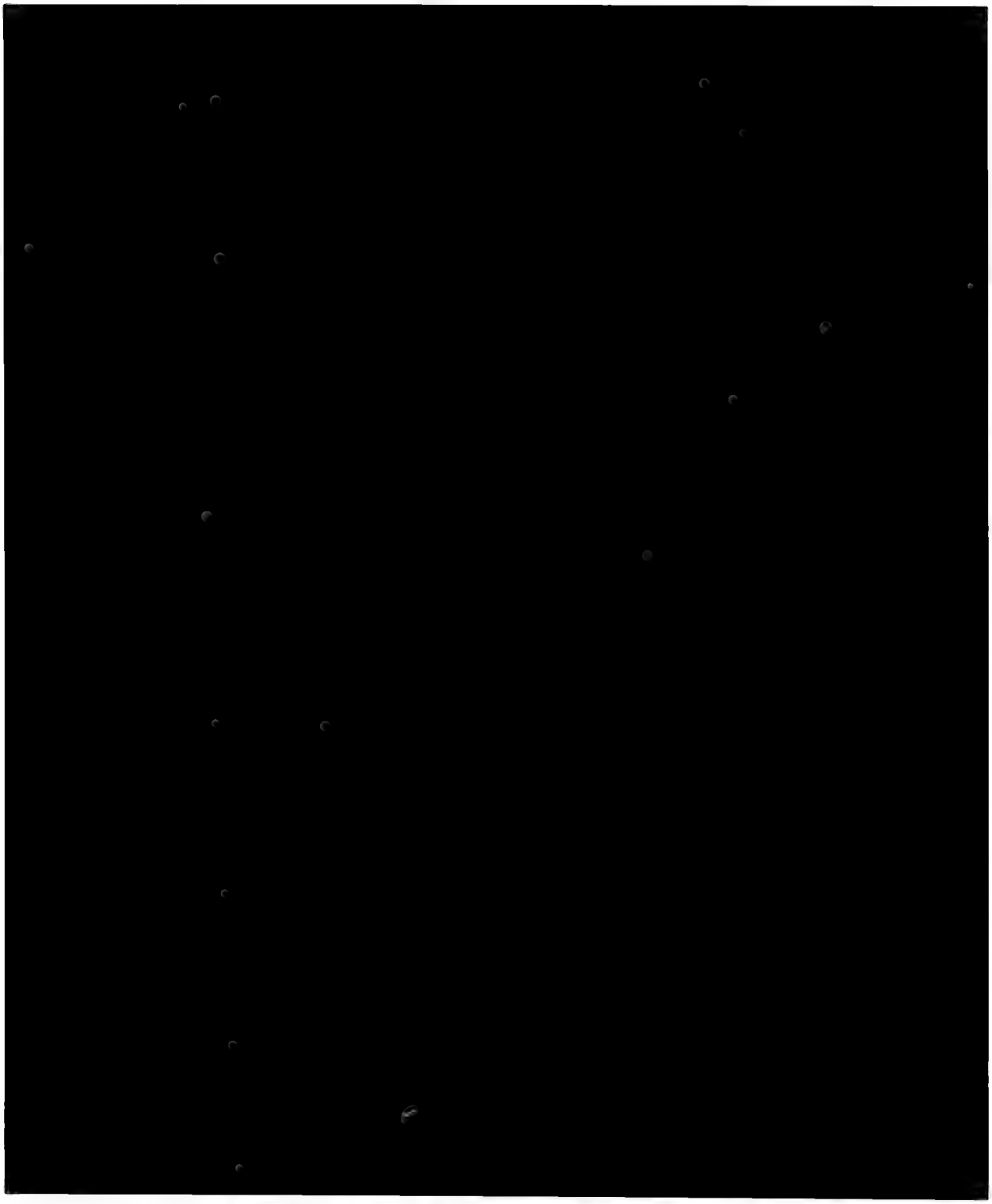

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RESOLUTION NO. 18-162

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE PROJECT KNOWN AS UTILITY CUT CONCRETE REPAIR CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Utility Cut Concrete Repair Contract; and

WHEREAS, Appalachian Paving and Concrete, Inc. of Asheville, NC was the lowest responsible bidder for the project, in the amount of $294,300; and

WHEREAS, the project involves the repair of concrete infrastructure that has been damaged during the installation of utilities; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $294,300 plus a contingency $44,154 (15%) with Appalachian Paving and Concrete Inc. with the option to renew annually for two, one-year extensions, upon budgetary approval by Council for each fiscal year for the project known as Utility Cut Concrete Repair Contract. The City Manager is also authorized to execute any change orders up to the budgeted amount.

Read, approved and adopted this the 24th day of July, 2018.

Magdalen Bowlson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

2

RESOLUTION NO. 18- 163

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH EQUINOX ENVIRONMENTAL CONSULTATION AND DESIGN, INC. FOR THE DESIGN SERVICES NECESSARY FOR THE SWANNANOA RIVER GREENWAY ONE, PHASE ONE: PRELIMINARY CORRIDOR DESIGN PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, requests for qualifications were solicited for the Swannanoa River Greenway One, Phase One: Preliminary Corridor Design Project; and

WHEREAS, Equinox Environmental Consultation and Design, Inc. was found to be the best qualified firm for the project; and

WHEREAS, Equinox Environmental Consultation and Design, Inc. shall provide all labor, materials and equipment necessary to perform the design activities outlined in the approved documents for the Swannanoa River Greenway One, Phase One: Preliminary Corridor Design Project; and

WHEREAS, the amount of the contract is $147,638.10 with a contingency in the amount of $14,763.81 and the funding has been budgeted through the General Obligation Bond Program as part of the Transportation and Infrastructure Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract with Equinox Environmental Consultation and Design, Inc. for the construction services necessary to perform the Swannanoa River Greenway One, Phase One: Preliminary Corridor Design Project in the amount of $147,638.10 and to enter into change orders to this contract not to exceed an additional 10% of the original contract amount or $14,763.81.

Read, approved and adopted this the 24th day of July 2018.

Magdalen Bourleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-164

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO CO-FUND A REQUEST FOR PROPOSALS FOR RENEWABLE ENERGY PLANNING SERVICES

WHEREAS, pursuant to N.C.G.S. 160A-461, units of local government may enter into agreements with each other in order to jointly exercise any power or function of local government; and

WHEREAS, per City Council Resolution No. 16-64, Duke Energy Progress has agreed to co-convene with the City and County a joint Energy Innovation Task Force (EITF) to transition to a cleaner, affordable and smarter energy future; and

WHEREAS, per City Council Resolution No. 18-5, the City approved the recommendations of the EITF to be incorporated into the City's Sustainability Management Plan; and

WHEREAS, the City, per City Council approved budget on June 19, 2018 which includes funds for the EITF recommendations, and both the City and County have reserved general funds to pursue opportunities for renewable energy and storage installation on municipal buildings and properties; and

WHEREAS, the City and County mutually wish to partner on this initiative and find that, under the terms of this Agreement, it is in the best interests of both parties and that the undertaking will benefit the public;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to enter into an agreement with Buncombe County to co-fund a Request for Proposals for renewable energy planning services not to exceed $50,000.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bulleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

4

RESOLUTION NO. 18-165

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM CONNECT BUNCOMBE TO BE USED TO FINALIZE THE INTERPRETIVE SIGNAGE FOR THE TOWN BRANCH GREENWAY

Whereas, pursuant to N.C.G.S. # 160A-240.1 a City is authorized to acquire funds by grants and other methods; and

Whereas, the City of Asheville is actively developing and constructing a greenway network throughout the entire City; and

Whereas, the City of Asheville has an opportunity to use donated funds to finalize the interpretive signage for the Town Branch Greenway;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept donated funding in the amount of $5,000 from Connect Buncombe to finalize the interpretive signage for the Town Branch Greenway, and execute any documents in acceptance of said funding.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bullock
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 18-166

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT THE BUILD TRANSPORTATION DISCRETIONARY GRANT PROGRAM TO ACQUIRE TEN BUSES AND CONDUCT A FEASIBILITY STUDY

WHEREAS, the City has authority, pursuant to N.C.G.S. § 160A-17.1 to apply for and receive grants from the federal or state government and to enter into administration of said grants, and

WHEREAS, the BUILD Grant supports transportation projects, including transportation-related studies and program funds; and

WHEREAS, the Transportation Department has identified transit needs that include five buses for FY 2022 and five buses for FY 2023 and for a transit maintenance feasibility study; and

WHEREAS, the BUILD grant would assist in the funding of such needs; and

WHEREAS, the 20% local match totaling $803,277 with all but $18,000 of it currently budgeted in the CIP; if awarded, an $18,000 budget amendment for FY 2019 would need to be approved;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to apply for and accept the BUILD Transportation Discretionary Grant program, if awarded, in order to 1) acquire ten buses and 2) to conduct a transit maintenance facility feasibility study and execute all documents in the acceptance of said grant, upon approval from City Attorney's Office.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

6

RESOLUTION NO. 18-167

RESOLUTION ACCEPTING THE 2018 FLOOD MITIGATION ACTIONS REPORT WHICH IS PART OF THE REPETITIVE LOSS AREA ANALYSIS, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE 2018 REPORT FOR THE COMMUNITY RATING SYSTEM PROGRAM

WHEREAS, Buncombe County has performed a comprehensive review and evaluation of each section of the previously approved All-Hazard Mitigation Plan and has updated the said plan as required and according to guidance issued by FEMA and the North Carolina Division of Emergency Management, and

WHEREAS, the participation in the Community Rating System program, which Asheville is currently a member requires the City to provide a Repetitive Loss Area Analysis and to report on those Flood Mitigation Action Items on an annual basis, and

WHEREAS, the City wishes to continue to promote public safety and welfare through the continued participation in the Community Rating System Program, and

WHEREAS, City Staff has provided Council with the annual Flood Mitigation Action Items report as it relates to the Repetitive Loss Area Analysis;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville does hereby receive and accept the 2018 Flood Mitigation Actions Report prepared by City Staff for the annual Repetitive Loss Area Analysis Flood Mitigation Action Items, attached hereto as Exhibit A, and authorizes its submission to the Insurance Services Office and the Federal Emergency Management Agency as part of the annual Community Rating System report which is to be signed by the City Manager.

Read, approved and adopted this the 24th day of July, 2018.

Magdalen Bulleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

FLOOD MITIGATION ACTIONS
REPORT TO COUNCIL
2018

As part of an ongoing effort to reduce flood hazards and damage costs associated with repetitive flood losses, the City hired the consulting firm of Brown and Caldwell to develop a Repetitive Loss Area Analysis (RLAA). As part of this RLAA, the consulting team has developed a set of flood mitigation action items for the city to focus on annually. Each action item listed below includes a description of the action and what actions have been taken over the past year.

Action Item 1

The City will continue its flood hazard mitigation public outreach efforts by communicating with property owners in each of the repetitive loss areas to make certain they understand the risks associated with flooding, and encourage owners to consider flood protection measures outlined in this analysis and related publications.

Actions:

The City has extensive flood related information available on the City's Public Works Department's Stormwater Division's website: (http://www.ashevillenc.gov/departments/stormwater/default.htm). This website has links to interactive tools to research properties within the special flood hazard area along with the Biltmore Village Emergency Response Plan which was developed in partnership with the US Army Corps of Engineers. Located on the website is information related to what to do before floods, during a flood and after flooding. As part of preparation for Hurricane Alberto which hit our area in May, the Public Works Department proactively cleaned storm drains in Biltmore Village and other known areas subject to flooding. The City utilized social media and other communication outlets to update citizens on the path of the storm, status of road closures, latest forecast, and passed along key information from the North Carolina Emergency Management Department.

As in the past, city staff sent out letters to each property owner located within the Repetitive Loss Areas with information related to flood protection and actions the property owners could take to help minimize damage from flooding.

As development takes place within the Repetitive Loss Area (RLA), the City's Development Services Staff works with property owners and engineers to inform them of the protection measures required for their development and guides them through the development process. City ordinances require the developer to take actions that are above minimum FEMA requirements to help provide additional protections from flood damage in flood prone areas.

FLOOD MITIGATION ACTIONS
REPORT TO COUNCIL
2018

City staff often meets with property owners and developers who have questions about their property and how the flood zones impact current and future plans for the property.

City Staff is available to meet with citizens who have flooding questions. Staff will continue to be proactive with providing the customer services citizens deserve.

The Stormwater team is currently in the design phase of a project located in the Edwin/Celia/Canterbury area of the city. This area has been experiencing localized flooding which has overtopped Edwin Place periodically over the past several years. City staff has had multiple public meetings to discuss the details of this project.

The Stormwater team is also in construction on the Morris Street Stormwater Improvement project, this includes stormwater conveyance and also stormwater quality and quantity devices located within West Asheville Park.

Action Item 2

The City will identify any structures within each of the RLAs that are not permitted for occupancy and proceed with standard enforcement actions to bring the structures into compliance or have them removed.

Actions:

The City's Development Services Department continues to work to identify such properties and make notifications to these property owners. As these properties that are not permitted for occupancy arise, staff will take action to notify the property owners of the non-compliance issues and provide them with the necessary requirements to meet current standards. City staff is available to meet with citizens to discuss issues concerning these properties and discuss what options are available.

Other actions that have taken place this past year regarding structures within the Repetitive Loss Areas have been the property acquisitions that have occurred in conjunction with the River Arts District Transportation Improvement Project (RADTIP), various properties have been acquired which fall within the Repetitive Loss Areas. Four (4) structures, within the special flood hazard area that have been acquired, at 226 Lyman St, 5, 221,and 300 Riverside Dr. were completely removed as part of the project.

Action Item 3

The City will consider the feasibility of a flood warning system in one or more of the RLAs to

assist in advance notice to property owners of an impending flood. Given the fact that most of the structures in these areas will require some form of flood protection preparation prior to an event, a flood warning system may be a valuable asset.

Actions:

The City's Public Works Department, partnering with the US Army Corps of Engineers and the NC Division of Water Resources, is continuing the flood mitigation project within the Swannanoa River basin. The feasibility report is complete, City Staff is expected to enter into a Project Partnership Agreement (PPA) with the Corps this summer for design and construction of the recommended project from the Feasibility Study. The project that is recommended from the feasibility report is the removal of the floodplain fill both upstream and downstream of the Biltmore Avenue Bridge within the Biltmore Village area of the City.

The Public Works Department and the Asheville Fire Department is continuing to work with a consultant to develop stream elevation thresholds in which flooding occurs to allow for coordination with other emergency management agencies throughout the area to notify citizens of potential threats of flooding. City Staff continuing with these efforts. City Staff would look to utilize this data to assist emergency efforts through the area. Staff will continue to work on this initiative.

During the flooding event this past May, City Staff contacted the Biltmore Village Merchants Association president on the day prior to the flood event and discussed flood mitigation efforts. The president then notified the merchants in the village. Some business owners enacted the Emergency Action Plan provided by the Corps of Engineers and were able to flood proof their business prior to the flooding. Also, Asheville Fire sent notification out of possible flooding prior to the flooding event to notify the citizens within flood prone areas of the potential of flooding.

Moving forward

Various city departments' work together to complete the flood mitigation actions tasks necessary for the Community Rating System (CRS); the team includes the Public Works Department, the Development Services Department, the Riverfront Development Office, and the Asheville Fire Department. Staff is glad to assist the citizens of Asheville who have flood insurance to be able to receive a 10 percent reduction in the insurance premium as a result of the City participating in the CRS program. Staff continues to work closely together and with available partners to implement the flood mitigation action items associated with Repetitive Loss Area Analysis report. The flood mitigation efforts are key to the sustainability of special flood hazard areas and we look for partnership opportunities in these locations as they become

available. Staff looks forward to continuing the partnership with the US Army Corps of Engineers and the North Carolina Division of Water Resources on flood mitigation efforts.

RESOLUTION NO. 18- 168

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALFRED BENESCH & COMPANY FOR THE PROJECT KNOWN AS MOUNTAINSIDE PARK/MEMORIAL STADIUM UPGRADES/RENOVATIONS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City desires to award a contract to Alfred Benesch & Company for the design services for the Mountainside Park/Memorial Stadium Upgrades/Renovations; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, Alfred Benesch & Company was chosen through a qualifications based selection process as the most qualified to perform the design services; and

WHEREAS, Alfred Benesch & Company presented a scope of work and fee proposal for professional services associated with the Mountainside Park/Memorial Stadium Upgrades/Renovations project; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Alfred Benesch & Company to provide design services for Mountainside Park/Memorial Stadium Upgrades/Renovations and Stormwater Improvements for an amount not to exceed $220,817 and further authorizing the execution of any change orders to said contract which may arise during said project.

Read, approved and adopted this the 24th day of July, 2018.

Magdalen Bowleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

12

RESOLUTION NO. 18-169

RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council will hold worksessions at which time it will be provided with a detailed review of the 2019-20 budget process to include information on different City programs and services. Those worksessions will be held on August 28, 2018; September 25, 2018; October 23, 2018; November 13, 2018; and December 11, 2018, beginning at 3:00 p.m. in the 1st Floor North Conference Room in City Hall.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bowlesson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-170

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SOUTHERN SPECIALTY CIVIL CONSTRUCTORS, LLC. FOR THE CONSTRUCTION SERVICES NECESSARY FOR THE FY18 RESURFACING - STORMWATER IMPROVEMENTS PIPE REPLACEMENT PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the FY18 Resurfacing - Stormwater Improvements Pipe Replacement Project; and

WHEREAS, Southern Specialty Civil Constructors, LLC of Clemmons, NC was the lowest responsive responsible bidder for the project; and

WHEREAS, Southern Specialty Civil Constructors, LLC. shall provide all labor, materials and equipment necessary to perform the construction activities outlined in the approved documents for the FY18 Resurfacing - Stormwater Improvements Project; and

WHEREAS, the amount of the contract is $ 1,073,685.05 with a contingency in the amount of $214,737.01 and the funding has been budgeted through the Stormwater Capital Project Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract with Southern Specialty Civil Constructors, LLC. for the construction services necessary to perform the FY18 Resurfacing - Stormwater Improvements Project in the amount of $1,073,685.05 and to enter into change orders to this contract not to exceed an additional 20% of the original contract amount or S214,737.01.

Read, approved and adopted this the 24th day of July 2018.

Magdalen Bullion
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

14

RESOLUTION NO. 18- 171

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEAF DOWNTOWN AVL ON THE DATES OF FRIDAY, AUGUST 3, 2018 FROM 3:00 PM – 10:00 PM AND SATURDAY, AUGUST 4, 2018 FROM 9:00 AM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at LEAF Downtown AVL.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the LEAF Downtown AVL event area, as set forth in Exhibit A, attached.

   The LEAF Downtown AVL event area is within the boundaries of Pack Square Park's Roger McGuire Green, Reuter Terrace, Vance Median and Raised Lawn areas including South Spruce Street between the intersections of South Pack Square and College Street, North Pack Square between the intersections of Biltmore Avenue and South Pack Square, South Pack Square between the intersections of Biltmore Avenue and South Market Street and within the City Hall/Courthouse Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for LEAF Downtown AVL on Friday, August 3, 2018 from 3:00 p.m. to 10:00 p.m. and Saturday, August 4, 2018 from 9:00 a.m. to 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified

wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the LEAF Downtown AVL event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the LEAF Downtown AVL event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of LEAF Downtown AVL, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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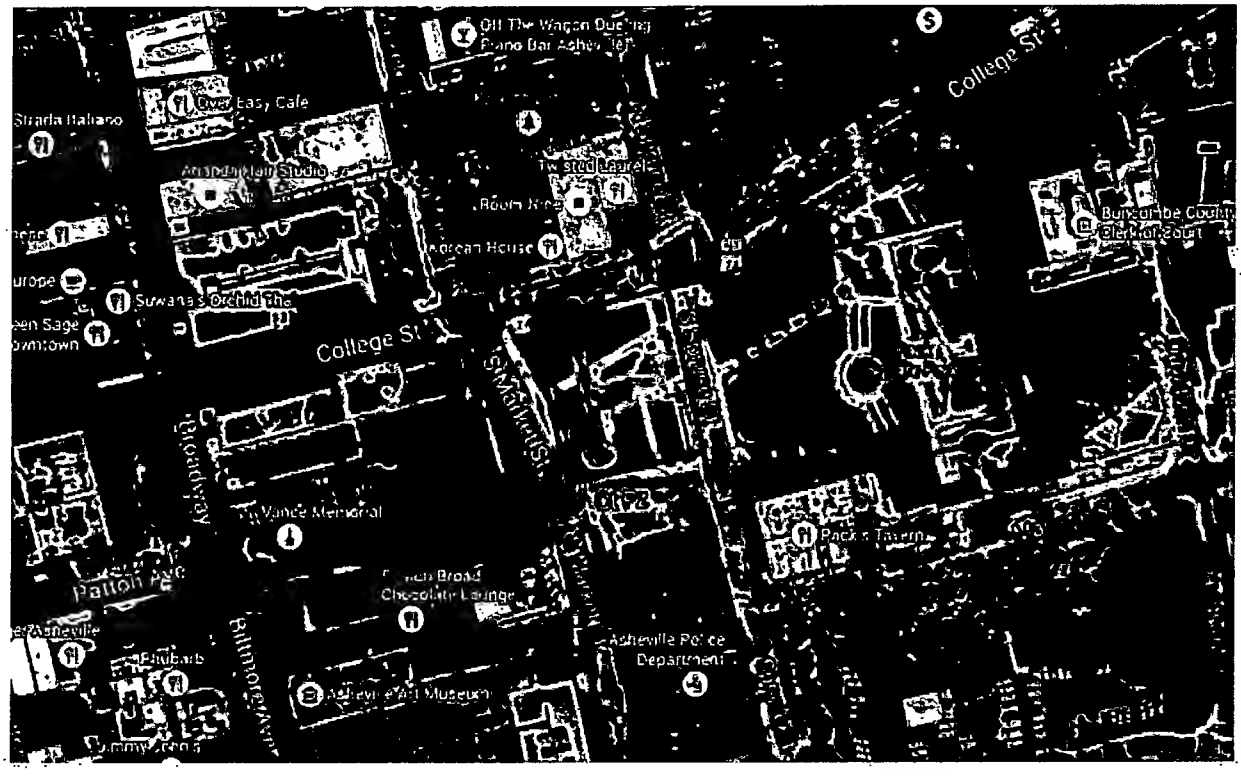
EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 172

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ZERO-PROSTATE CANCER RUN/WALK ON THE DATE OF SATURDAY, AUGUST 25, 2018 FROM 7:30 AM – 11:00 AM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Zero-Prostate Cancer Run/Walk.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Zero-Prostate Cancer Run/Walk event area, as set forth in Exhibit A, attached.

   The Zero-Prostate Cancer Run/Walk event area is within the boundaries of the velodrome at Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Zero-Prostate Cancer Run/Walk on Saturday, August 25, 2018 from 7:30 a.m. – 11:00 a.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Zero-Prostate Cancer Run/Walk event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption

of malt beverages and/or unfortified wine shall be allowed in the Zero-Prostate Cancer Run/Walk event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Zero-Prostate Cancer Run/Walk, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bowlson
City Clerk

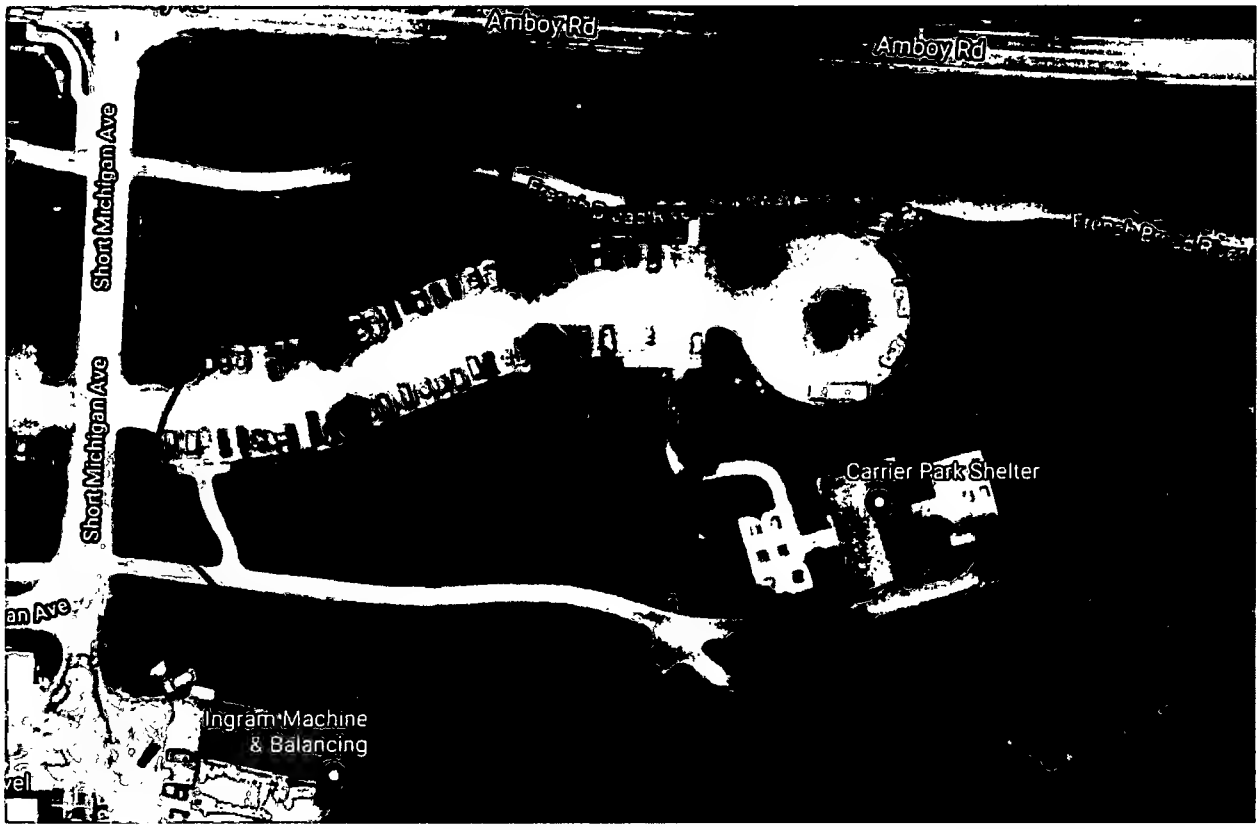
Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

EXHIBIT A



Alcohol Area

20

RESOLUTION NO. 18- 173

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LIVING ASHEVILLE ARTS FESTIVAL ON THE DATE OF SUNDAY, SEPTEMBER 2, 2018 FROM 11:00 AM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, Ordinance 4595 adopted by Council on July 25, 2017 permits sale of alcohol on Sundays beginning at 11:00 a.m.; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Living Asheville Arts Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Living Asheville Arts Festival event area, as set forth in Exhibit A, attached.

   The Living Asheville Arts Festival event area is within the boundaries of Lexington Avenue between the intersections of College Street and the I-240 overpass, Walnut Street between the intersections of Carolina Lane & Rankin Avenue, and Hiawassee between the intersection of Rankin Avenue and Lexington Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Living Asheville Arts Festival on Sunday, September 2, 2018 from 11:00 a.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified

wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Living Asheville Arts Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Living Asheville Arts Festival event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Living Asheville Arts Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

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EXHIBIT A

Alcohol Area

RESOLUTION NO. 18- 174

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ORANGE PEEL EVENTS PRESENTS ON THE DATE OF FRIDAY, SEPTEMBER 21, 2018 FROM 4:30 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Orange Peel Events Presents.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Orange Peel Events Presents event area, as set forth in Exhibit A, attached.

   The Orange Peel Events Presents event area is within the boundaries of Memorial Stadium.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Orange Peel Events Presents event on Friday, September 21, 2018 from 4:30 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Orange Peel Events Presents event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Orange Peel Events

Presents event area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Orange Peel Events Presents, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bowlson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A

Memorial Stadium

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RESOLUTION NO. 18-175

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH T & K UTILITIES, INC., FOR THE FISCAL YEAR 2018-19 MEDIUM AND LARGE SERVICE RENEWALS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the FY 18-19 Medium and Large Service Renewals Project; and

WHEREAS, T & K Utilities, Inc., was the lowest responsible, responsive bidder for the Project, in the amount of $500,000; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the demolition and renewal of five large (3" and above) and nine medium (1.5"-2") water customer connections, including vault and meter, with all related appurtenances and materials required in order to complete the work; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to construction agreement with T & K Utilities, Inc., for the FY 18-19 Medium and Large Service Renewals Project for the bid amount of $500,000 plus a 10% contingency in the amount of $50,000 for a total project budget in the amount of $550,000 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 18-176

RESOLUTION AUTHORIZING THE CITY MANAGER TO OBTAIN PROPERTY INSURANCE FOR FISCAL YEAR 2019

WHEREAS, the City of Asheville Risk Management Division is responsible to ensure City assets are adequately protected from losses; and

WHEREAS, the City of Asheville purchases property insurance to indemnify City assets from property losses.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to purchase property insurance for fiscal year 2019 in the amount of $272,447.03 to insure City buildings, contents, and highly valued vehicles and equipment.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 18- 177

RESOLUTION AUTHORIZING CITY MANAGER TO ENTER INTO CONTRACTS TO MAKE REPAIRS TO COMMUNITY RECREATIONAL FACILITIES DUE TO DAMAGE OCCURRING DURING THE MAY 30, 2018 FLOOD EVENT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has conducted damage evaluations of Parks and Recreation facilities along the two primary flood areas: Swannanoa River corridor and French Broad River corridor;

WHEREAS, has identified and determined repairs are needed to community recreational facilities due to damage occurring during the May 30, 2018 flood event; and

WHEREAS, investing in the flood remediation is in line with ongoing care and maintenance of facilities as identified in the Parks, Recreation Cultural Arts, and Greenway Master Plan; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into and execute contracts not to exceed $1,205,000 for necessary remediation due to damage caused by the May 30, 2018 flood event; and 2) a budget amendment in the amount of $1,205,000 to fully fund those repairs and to execute any change orders to contract or documents which may arise during the remediation of projects within the approved budget.

Read, approved and adopted this the 24th day of July, 2018.

Magdalen Bowlesson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson

RESOLUTION NO. 18-178

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN AGREEMENT WITH PARK RIDGE HEALTH FOR ANNUAL FIREFIGHTER PHYSICALS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Asheville Fire Department provides annual medical monitoring, physicals, and x-rays for firefighters; and

WHEREAS, the amount of the renewal is $77,125 and the monies have been budgeted in the Asheville Fire Department's Fiscal Year 2018 - 2019 budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Park Ridge Health, for $77,125 for the Annual Firefighter Physicals and further authorized to execute any change orders to said contract or documents which may arise during implementation of said program up to the budgeted amount.

Read, approved, and adopted this the 24th day of July, 2018.

Magdalen Bowlesson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-179

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES CONTRACT WITH TYLER TECHNOLOGIES FOR MAINTENANCE AND SUPPORT TO THE CITY OF ASHEVILLE'S MUNIS ENTERPRISE SYSTEM

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160 A of the North Carolina General Statutes to enter into contract for services with other entities, and

WHEREAS, the City is in need of maintenance and support of the City's Munis Enterprise System, and

WHEREAS, Tyler Technologies is the sole-source vendor to provide the said maintenance and support in the amount of $180,000.00 for FY 2018/2019 with a maximum of 5% escalation in subsequent (4) fiscal years with the understanding that funding is project specific and subject to the annual appropriation of funds; and

WHEREAS, the funding is currently allocated within IT Services Business and Public Technology division's maintenance budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville is hereby authorized to execute a general services agreement with Tyler Technologies, in the amount of $189,000.00 for FY 2018/2019 with a maximum of 5% escalation in subsequent years for the total of (5) five fiscal years with the understanding that funding is project specific and subject to the annual appropriation of funds. The City Manager is further authorized to execute any amendments to said contract which might arise during the term of the contract up to the budgeted amount.

Read, approved and adopted this the 24th day of July, 2018.

Magdalen Bowleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-180

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE A STORMWATER EASEMENT FROM BLANCH AND WAYNE SMITH FOR INSTALLATION AND MAINTENANCE OF PUBLIC IMPROVEMENTS

WHEREAS, the City of Asheville, hereinafter the City, is authorized pursuant to N. C. Gen. Stat. sec. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City of Asheville has agreed to construct greenway-related stormwater improvements according to City of Asheville specifications on property identified as PIN # 9649-23-6247 located at 63 Elizabeth Place; and

WHEREAS, owners of said property, Blanch and Wayne Smith, have agreed to convey a permanent stormwater easement containing approximately 150 square feet to the City of Asheville for this purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to accept a permanent stormwater easement over a portion of said property at 63 Elizabeth Place from Blanch and Wayne Smith. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 18 - 181

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT FUNDING FOR THE BUS AND BUS INFRASTRUCTURE PROGRAM TO ACQUIRE TEN BUSES

WHEREAS, the City has the authority, pursuant to N.C.G.S. § 160A-17.1 to apply for and receive grants from the federal or state government and to enter into administration of said grants; and

WHEREAS, the Bus and Bus Infrastructure Program provides funds for buses, bus facilities, and bus equipment, and

WHEREAS, the Transportation Department has identified transit needs that include five buses for FY 2021 and five buses for FY 2022; and

WHEREAS, the Buses and Bus Facilities Infrastructure Investment Program would assist in the funding of such needs; and

WHEREAS, the 201 local match totals $1,760,000 and is currently budgeted in the CIP;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to apply for and accept funding from the Bus and Bus Infrastructure Program, if awarded, in order to acquire ten buses and associated chargers and execute all documents in the acceptance of said grant, upon approval from the City Attorney's Office.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 18-182

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TERRACON CONSULTANTS, INC. FOR BUILDING ENVELOPE PROFESSIONAL SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with Terracon Consultants, Inc.; and

WHEREAS, the City wishes to enter into an on-call contract for an initial term of one year with an option to renew for up to two additional one-year periods; and

WHEREAS, for the initial term, the aggregate value of services provided under this on-call contract is not to exceed $250,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Terracon Consultants, Inc. not to exceed $250,000.00 during its initial term for professional services with the option to renew for up to two additional one-year periods contingent upon budgetary approval by Council for each fiscal year and is further authorized to execute any change orders to said contract or documents which may arise during performance of the contract up to the budgeted amount.

Read, approved and adopted this the 24th day of July, 2018.

Magdalen Bresson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bresson

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RESOLUTION NO. 18-183

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE EASEMENTS ASSOCIATED WITH THE TRANSPORTATION BOND - BUS SHELTER PROGRAM

WHEREAS, the City of Asheville, hereinafter the City, is authorized pursuant to N. C. Gen. Stat. sec. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City of Asheville's Transportation Bond Program includes funding for the installation of new bus shelters and improvements to existing bus stops; and

WHEREAS, permanent and temporary easements are needed in order to gain access to private property for the development of these bus shelter improvements;

WHEREAS, authorizing the City Manager to acquire these permanent and temporary easements allows for a more expedient acceptance of such easements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to execute easements for the Transportation Bond - Bus Shelter Program. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bowlesson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson

RESOLUTION NO. 18-184

RESOLUTION AUTHORIZING THE ADOPTION OF THE WATER SHORTAGE RESPONSE PLAN UPDATE

WHEREAS, North Carolina General Statute § 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan (WSRP) and submitted to the Department for review and approval; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the City of Asheville (PWSID #: 01-11-010), has been developed and submitted to the Asheville City Council for approval; and

WHEREAS, the Asheville City Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute § 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the City of Asheville (PWSID #: 01-11-010), as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Water Shortage Response Plan update entitled City of Asheville (PWSID #: 01-11-010) Water Resources Department Water Shortage Response Plan dated May 31, 2018, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

2. That the Asheville City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bresson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bresson

RESOLUTION NO. 18-185

RESOLUTION AUTHORIZING A PERFORMANCE BASED ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR GENERAL ELECTRIC CORPORATION AND UNISON ENGINE COMPONENTS, INC. IN CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and,

WHEREAS, an existing Asheville manufacturing facility, operated by General Electric ("GE") Corporation and Unison Engine Components, Inc. ("Unison"), is proposing to expand a facility within the City limits adding $105 Million in new capital investment in Machinery and Equipment and facility improvements and creation of 131 new jobs with median wage of $49,500, which is more than 110% of the Buncombe County median worker earnings, as well as more than 110% of Buncombe County average weekly wage of $851 (average weekly wage rate is the tool used by NC Commerce to evaluate State incentives); and,

WHEREAS, all new jobs will pay a Living Wage and are fully benefited; and,

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering discretionary performance-based grants to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded, and City Council has conducted said Public Hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council approves a performance based economic development incentive grant to General Electric ("GE") Corporation and Unison Engine Components, Inc. ("Unison"), not to exceed $900,960 payable in five (5) annual installments, subject to compliance with a Performance Agreement between the City and GE and Unison.

The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 24th day of July, 2018.

Magdalen Burleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 18- 186

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH ASHEVILLE STAFFING, UPSTAFF, AND APPLEONE TO PROVIDE TEMPORARY STAFFING SERVICES FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville ("the City") has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City often requires temporary staffing services to support permanent staff, and issued a Request for Proposals to that effect;

WHEREAS, Asheville Staffing, UpStaff, and AppleOne presented scopes of work and fee proposals for providing temporary staffing services; and

WHEREAS, the City desires to award contracts to Asheville Staffing, UpStaff, and AppleOne for temporary staffing services for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute contracts with Asheville Staffing, UpStaff, and AppleOne to provide temporary staffing services for the City of Asheville and further authorizing the execution of any necessary change orders to said contracts.

Read, approved and adopted this the 24th day of July, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

38

RESOLUTION NO. 18-187

RESOLUTION ADOPTING THE TRANSIT MASTER PLAN

WHEREAS, the Asheville City Council supports the development of multimodal transportation options such as transit, and

WHEREAS, the original Transit Master Plan was adopted on October 27, 2009 and is now out of date and in need of replacement, and

WHEREAS, on September 12, 2017, the Asheville City Council passed a resolution authorizing the City Manager to enter into a contract with Tindale Oliver for consulting services for updating the City's Transit Master Plan, and

WHEREAS, the plan proposes improvements in frequency, new service areas, capital improvements, and

WHEREAS, City staff recommends City Council approve a resolution adopting the Transit Master Plan for the City of Asheville;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby adopts the Transit Master Plan.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson

RESOLUTION NO. 18-188

RESOLUTION RECOMMITTING ONE MILLION DOLLARS OF BOND FUNDS TO A LOCAL COMMUNITY LAND TRUST, RECOGNIZING THE FORMATION OF THE ASHEVILLE BUNCOMBE COUNTY LAND TRUST (ABCLT) AND PROVIDING A LETTER OF SUPPORT TO SHOWCASE OUR CONTINUED STAFF SUPPORT AND THE EFFORTS OF THE ABCLT IN ACHIEVING ITS 501 (C) (3) TAX-EXEMPT STATUS

WHEREAS, the voters in the City of Asheville approved $25 million in Affordable Housing General Obligation Bond funds in November, 2016; and

WHEREAS, City Council allocated $10 million of the $25 million available to direct project investment in affordable housing; and

WHEREAS, City Council further recommended, upon issuance of the General Obligation Bond, that $1 million of the $10 million be allocated for a Community Land Trust; and

WHEREAS, City Council approved the allocation of the $10 million, including $1 million for a Community Land Trust, in August, 2017, Resolution No. 17-198; and

WHEREAS, the Asheville Buncombe Community Land Trust (ABCLT) was incorporated with a formal board in June, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council recommits their support of the $1 Million to a local Community Land Trust, recognizes the formation and incorporation of the Asheville Buncombe Community Land Trust (ABCLT) and authorizes the Mayor to execute a letter of support to aid the ABCLT in its obtainment of 501(c)(3) tax-exempt status.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 18-189

RESOLUTION APPOINTING MEMBERS TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, the terms of Carol Rogoff Hallstrom (North), Larry Holt (Central) and Clifford Joslin (South) expired on June 30, 2017; and

WHEREAS, Sir Charles Gardner (Housing Authority representative) resigned, thus leaving a term until June 30, 2021; and

WHEREAS, Jayden Gurney (resident of Housing Authority property) resigned, thus leaving an expired term until June 30, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Blake Marcus, 91 Congress Street, Asheville, N.C., be and he is hereby appointed as a member of the Citizens-Police Advisory Committee (North representative) to serve the unexpired term of Ms. Hallstrom, term to expire June 30, 2020, or until his successor has been appointed.

Jerry Kivett, 128 Florence Street, Asheville, N.C., be and he is hereby appointed as a member of the Citizens-Police Advisory Committee (Central representative) to serve a three-year term, term to expire June 30, 2020, or until his successor has been appointed.

Gene Bell, PO Box 1898, Asheville, N.C., be and he is hereby reappointed as a member of the Citizens-Police Advisory Committee (Housing Authority representative) to serve an unexpired term, term to expire June 30, 2021, or until his successor has been appointed.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-190

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of Joel Storrow and Chris Bubenik, expired on June 30, 2018; and

WHEREAS, Mr. Joe Greene has resigned from the Civic Center Commission, thus leaving an unexpired term until June 30, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Kimberly Hunter, 84 Springbrook Road, Asheville, N.C., be and she is hereby appointed as a member to the Civic Center Commission to serve a three- year term, term to expire June 30, 2021, or until her successor has been appointed.

Mr. Kyle Smith, 1 Woodrow Place, Asheville, N.C., be and he is hereby appointed as a member of the Civic Center Commission to serve a three year term, term to expire June 30, 2021, or until his successor has been appointed.

Mr. Bill Jones, 339 Beaverdam Road, Asheville, N.C., be and he is hereby appointed as a member of the Civic Center Commission to serve the unexpired term of Mr. Greene, term to expire June 30, 2019, or until his successor has been appointed.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson

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RESOLUTION NO. 18-191

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, Mr. John Rakes has resigned as a member of the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2019; and

WHEREAS, Ms. Whitney Lott has resigned as a member of the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Donna Ball, 425 Dillingham Circle, Asheville, N.C., be and she is hereby appointed as a member to the Homeless Initiative Advisory Committee, to serve the unexpired term of Mr. Rakes, term to expire November 1, 2019, or until her has been appointed.

Mr. Joell Steininger, 1100 Tunnel Road, Asheville, N.C., be and he is hereby appointed as a member to the Homeless Initiative Advisory Committee, to serve the unexpired term of Ms. Lott, term to expire November 1, 2021, or until his has been appointed.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18- 192

RESOLUTION APPOINTING MEMBERS TO THE I-26 CONNECTOR AESTHETICS COMMITTEE

WHEREAS, City Council established the ad hoc committee of the I-26 Connector Project Aesthetics Committee on April 24, 2018, to gather information and ideas about treatments that would make the project a cohesive and integrated part of Asheville; and

WHEREAS, it is anticipated that the Committee would serve for about one year and complete their tasks before the final Environmental Impact Statement is released;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Woodard Farmer, 230 Pearson Drive, Asheville, North Carolina, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Joe Minicozzi, 2 Vanderbilt Place, Asheville, North Carolina, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Michael Adams, 121 Courtland Avenue, Asheville, North Carolina, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

David Nutter, 169 Flint Street, Asheville, North Carolina, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Michael Zukoski, 132 Spears Avenue, Asheville, North Carolina, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Ted Figura, 118 Logan Avenue, Asheville, North Carolina, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Tal Dgani, 301 1st Street, New York, New York, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-193

RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, Billie Lofland has resigned, thus creating a vacancy until July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Rachelle Sorensen-Cox, 89 Caledonia Road, Asheville, N.C., be and she is hereby appointed as a member of the Multimodal Transportation Commission (representing bike/ped interests) to serve a three-year term, term to expire July 1, 2021, or until her successor has been appointed.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-194

RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

WHEREAS, the terms of Tony Hauser and Guillermo Rodriguez, as members on the Planning & Zoning Commission, expire on August 14, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Tony Hauser, 25 Melrose Avenue, Asheville, N.C., be and he is hereby reappointed as a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2021, or until his successor has been appointed.

(2) Mr. Guillermo Rodriguez, 406 Windswept Drive, Asheville, N.C., be and he is hereby reappointed as a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2021, or until her successor has been appointed.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson

46.

RESOLUTION NO. 18-195

RESOLUTION APPOINTING MEMBERS TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the terms of John Luckett and Himanshu Karvir, as members of the Buncombe County Tourism Development Authority, both representing an owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company, will expire on August 30, 2018; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. John Luckett, 56 White Ash Drive, Asheville, N.C., be and he is hereby reappointed, as a member of the Buncombe County Tourism Development Authority (as the owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with more than 100 rental units), to serve an additional three year term, term to expire August 30, 2021, or until his successor has been appointed.

Mr. Himanshu Karvir, 435 Smoky Park Highway, Asheville, N.C., be and he is hereby reappointed, as a member of the Buncombe County Tourism Development Authority (as the owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with more than 100 rental units), to serve an additional three year term, term to expire August 30, 2021, or until his successor has been appointed.

Read, approved and adopted this 24th day July, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION NO. 18- 196

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Ms. Lauren Weldishofer has resigned as a member of the Recreation Board, thus leaving an expired until June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

April Suttles, 7 Woodcrest Road, Asheville, N.C., be and she is hereby appointed, as a member of the Recreation Board, to serve the unexpired term of Ms. Weldishofer, term to expire June 30, 2020, or until her successor has been appointed.

Read, approved and adopted this 24th day of July, 2018.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson

RESOLUTION NO. 18-197

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has awarded the City of Asheville the amount of $19,000 to act as fiduciary for the Asheville High Intensity Drug Trafficking Area (HIDTA);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept and enter into an agreement with the Executive Office of the President, Office of National Drug Control Policy in the amount of $19,000.

Read, approved, and adopted this 28th day of August, 2018

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 18- 198

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH McGILL ASSOCIATES, P.A. FOR THE PROJECT KNOWN AS HAYWOOD STREETSCAPE PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville will award a contract to McGill Associates, P.A. for the design services for Haywood Streetscape Bond Project; and

WHEREAS, per NCGS 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services) McGill Associates was chosen through a qualifications based selection process as the most qualified to perform the design services; and

WHEREAS, McGill Associates presented a scope of work and fee proposal for professional services associated with the Haywood Streetscape Bond Project and will provide full design services, bidding administration, and contract administration/reporting; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with McGill Associates, P.A. to provide design services for the Haywood Streetscape Bond Project for an amount not to exceed $210,402., and further authorizing the execution of any contract amendments up to 10% ($21,040.) above of the contract price , which may arise during execution of said project.

Read, approved and adopted this the 28th day of August, 2018.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

50

RESOLUTION NO. 18-199

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE-YEAR MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE WESTERN NORTH CAROLINA NATURE CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A-20.1 of the North Carolina General Statutes to enter into contracts for services with private entities, and

WHEREAS, the Friends of the Western North Carolina Nature Center (Friends) is a 501 (c) (3) nonprofit corporation with a purpose to support the WNC Nature Center with resources to provide an enriching and educational experience for Nature Center visitors, and

WHEREAS, each year the City of Asheville and the Friends enter into a one-year Memorandum of Understanding (MOU) to establish the respective roles of each party for the mutual benefit of creating a first class nature center and visitor experience; and

WHEREAS, as specified in the MOU, the Friends will contribute $175,000 to support Nature Center operations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a one-year Memorandum of Understanding with the Friends of the Western North Carolina Nature Center.

Read, approved and adopted this the 28th day of August, 2018.

Magdalen Bowlsson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlsson
City Clerk

RESOLUTION NO. 18-200

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA HISTORIC PRESERVATION OFFICE TO ACCEPT A GRANT FROM THE US DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE FOR THE PURPOSE OF SURVEYING ARCHITECTURAL RESOURCES ASSOCIATED WITH AFRICAN AMERICAN HERITAGE

WHEREAS, the City has authority pursuant to N.C.G.S. 160a-17.1 to apply for and receive grants from the State and federal governments and to enter into contracts for the administration of said grants; and

WHEREAS, the State Historic Preservation Office, Department of Cultural Resources, Office of Archives and History has made available to the City of Asheville Historic Resources Commission, as a Certified Local Government, a grant from the Historic Preservation fund, administered by the National Park Service, US Department of the Interior; and

WHEREAS, the local match for this grant shall be paid by funding contributed by the Planning and Urban Design Department;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the North Carolina State Historic Preservation Office to accept a grant from the Historic Preservation Fund, administered by The National Park Service, US Dept. of Interior for the purpose of surveying architectural resources associated with African American heritage.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

52

RESOLUTION NO. 18-201

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO WITH GREEN LIGHT ELECTRIC, INC OF WEAVERVILLE, NC

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for Construction with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, A request for qualifications were solicited for the project known as, Charlotte St/ Biltmore Ave. signal upgrade City of Asheville Project # T1101 ; and

WHEREAS,Green Light Electric, Inc of Weaverville, NC, of Asheville, NC was the lowest responsive and responsible bidder to bid, and

WHEREAS, the project involves construction services, surveying, concrete ramps, refuse islands, electrical wiring and traffic control; and

WHEREAS, the NCDOT required additional paving to be completed on the State owned roads; and

WHEREAS, the total additional cost of the intersection improvement exceeded the contract amount and previous change orders by $10,799;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract change order increasing the contract with Green Light Electric, Inc of Weaverville, NC, by $10,799 for the Charlotte St. Biltmore Ave signal upgrade project.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 18- 202

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT AT RESERVOIR & MCCAULEY ROAD ON CITY-OWNED PROPERTY TO CHRIS AND JESSICA LARSEN

WHEREAS, N.C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at Reservoir & McCauley Road, identified as PIN # 964856700400000; and

WHEREAS, in 2014, the Larsens requested an easement approximately 473 SF, which was approved by City Council Resolution No. 14-18. However, that easement was never recorded; and

WHEREAS, Chris and Jessica Larsen have now requested additional easement over a portion of said property on Reservoir & McCauley Road for the purpose of creating a driveway for a residential lot to service a new single family residence; and

WHEREAS, the portion of land needed for the permanent easement comprises approximately 171 square feet and the easement has a value of $370.00 which sum Chris and Jessica Larsen have agreed to pay for the easement; and

WHEREAS, the easement will not interfere with the City's intended use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement totaling 644 square feet over a portion of property located at 166 Reservoir Road PIN # 964856700400000 to Chris and Jessica Larsen. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-203

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND DANNY'S DUMPSTER, INC. ON CITY-OWNED PROPERTY AT 80 HARDESTY LANE

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for such terms and conditions as the council sees fit, for periods of up to 10 years; and

WHEREAS, the City of Asheville is the owner of real property located on Hardesty Lane, identified as PIN #966831996600000; and

WHEREAS, the City of Asheville agrees to lease to Danny's Dumpster, Inc. approximately 5.5 acres of raw land, for a two year term with no renewals; and

WHEREAS, Danny's Dumpster, Inc. has offered to pay fair market rent during this lease term in the amount of approximately $1,437.00 per month, based upon total acreage and that said rate can be reduced according to acreage once the City takes possession of a portion of the premises for the use as the Public Works beneficial fill site;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between the City of Asheville and Danny's Dumpster Inc. for a portion of the land at 80 Hardesty, PIN #966831996600000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18- 204

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE FISCAL YEAR 2019 CONCRETE MAINTENANCE CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 19 Concrete Maintenance and ADA Improvements Fiscal Year 2019, and

WHEREAS, Appalachian Paving and Concrete, Inc. of Asheville, NC was the lowest responsible bidder for the project, in the amount of $239,925; and

WHEREAS, the project involves the Repair of Concrete Infrastructure throughout the City; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Plan representative with all officers recommending approval of the bid

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $239,925 plus a contingency $30,590 (12.75%) with Appalachian Paving and Concrete Inc. for the project known as Fiscal Year 2019 Concrete Maintenance Contract.

Read, approved and adopted this the 28th day of August, 2018.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

56

RESOLUTION NO. 18 - 205

RESOLUTION ACCEPTING MANCHESTER DRIVE AS A CITY STREET

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over all public streets within its jurisdiction, including the power to acquire streets through dedication and acceptance; and

WHEREAS, Manchester Drive is located within the corporate limits of the City of Asheville; and

WHEREAS, Manchester Drive has been offered for dedication to the City for public use; and

WHEREAS, Manchester Drive was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to Manchester Drive including but not limited to drainage infrastructure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the right-of-way width of 50 feet for Manchester Drive has been recorded in Plat Book 162 Page 56;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville accepts Manchester Drive as a City Street, as indicated on the attached map section.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

WAKE ROBIN WAY
WATERS RD
HEDGEROSE CT
MORNING GLORY DR
MANCHESTER DR
SPRUCE HILL LN
OLD HAW CREEK RD
HENDRIX HTS
PRAIRIE PATH

58

RESOLUTION NO. 18- 206

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS SMATHERS LANE AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR OCTOBER 9, 2018

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way known as Smathers Lane; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way known as Smathers Ln, described as follows:

DESCRIPTION OF UNOPENED RIGHT OF WAY

All of an unimproved 16 foot wide street or right of way known as Smathers Lane as shown on a Plat entitled "Property of A.B. Ware," recorded in Plat Book 22 at Page 54 (herein "Plat") in the Buncombe County Register of Deeds, centerline of said right of way being further described as follows:

BEGINNING at a point in the Western right of way line for Clingman Avenue, said point being the southeast comer of Lot 23 on said Plat, and running in a southwesterly direction the following courses and distances: (!) S 77 deg. 30 min. W 54 feet; (2) S 80 deg. 32 min. W 122.8 feet to an iron pipe in the southeast comer of Lot 8 as shown on said Plat; (3) S 80 deg. 32 min. W approximately 45 feet along the southern line of Lot 8 as shown on said Plat; (4) thence curving to the north in the center of the 16 foot right of way with an inside radius for the right of way being I 0 feet, and an outside radius of 26 feet until it intersects with the southeast comer of Lot 10 as shown on the Plat.

2. A public hearing on the question of permanently closing an unopened right of way known as Smathers Ln, is hereby called for on October 9, 2018, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chamber, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a October 9, 2018.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unopened right of way known as Smathers Ln. Additionally, a copy of

this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

60

RESOLUTION NO. 18- 207

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY NEAR HENDERSONVILLE ROAD AND SWEETEN CREEK ROAD AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR OCTOBER 9, 2018

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way located near the intersection of Hendersonville Rd., and Sweeten Cr. Rd; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way located near the intersection of Hendersonville Rd., and Sweeten Cr. Rd, described as follows:

DESCRIPTION OF UNOPENED RIGHT OF WAY

Tract A:

BEING all of an unopened street or right of way, running from the right of way for the East main track of Southern Railway Southwest approximately 300 feet to Dixie Highway (now Hendersonville Road), as shown on a plat entitled "Jack Atkinson Property," recorded in Plat Book 9 at Page 23 of the Buncombe County Registry, and being more particularly described as follows:

BEGINNING at a point in the western line of the NC DOT right of way for Hendersonville Road, the same being the northwest comer of the property described in Deed Book 5531 at Page 525, said point being located South 44 deg. 44 min. East 165 feet from the intersection of the centerline of Hendersonville Road and the center line of Airport Road; thence (i) N 00 deg. 50 min. 34 sec. E 25.29 feet to a nail set in the asphalt driveway; (ii) thence N 62 deg. 45 min. 07 sec. E 103.47 feet; (iii) thence N 62 deg. 16 min. 07 sec. E 13.57 feet to a point; (iv) thence N 62 deg. 45 min. 39 sec. E 135.46 feet to a point in the western right of way of Southern Railroad; (v) thence S 41 deg. 38 min. 21 sec. E 25.61 feet to a point in the right of way line for Southern Railroad; thence S 62 deg. 45 min. 39 sec. W 224.5 feet to a point identified by a rebar marker, the same being the northernmost point of the property described in Deed Book 5531 at Page 525 in the Buncombe County Registry; thence S 61 deg. 56 min. 22 sec. W 45.50 feet to the point and place of BEGINNING, containing 5689.83 square feet, more or less.

Tract B:

BEING the southernmost portion of an unopened drive shown on the above-referenced plat of the Jack Atkinson Property, and being more particularly described as follows:

BEGINNING at the terminus of the second call in the description for Tract A, above; thence (i) N 28 deg. 22 min. 14 sec. W 24.91 feet; (ii) thence N 62 deg. 45 min. 19 sec. E 13.44 feet; (iii) thence S 28 deg. 39 min. 2 sec. E 24.80 feet; (iv) thence S 62 deg. 16 min. 07 sec. W 13.57 feet to the point and place of BEGINNING, containing 335.58 square feet, more or less.

2. A public hearing on the question of permanently closing an unopened r/w located near the intersection of Hendersonville Rd., and Sweeten Cr. Rd, is hereby called for on October 9th, 2018, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a October 9th, 2018.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unopened r/w located near the intersection of Hendersonville Rd., and Sweeten Cr. Rd Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bullock
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 18-208

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH CODE FOR AMERICA LABS, INC. TO PARTICIPATE IN THE COMMUNITY FELLOWSHIP PROGRAM

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A-20.1 of the North Carolina General Statutes to enter into contracts for services with private entities; and

WHEREAS, Asheville suffers significant racial disparities in many areas, from education, economics, and healthcare, to housing and criminal justice. To find effective solutions to these complex, persistent challenges, we need a comprehensive resource that collects and enables data-driven research and analysis of outcomes along racial lines and makes the information accessible to our community; and

WHEREAS, the City Council's 2036 vision states, "City government is transparent, and we use the latest technologies and methods to communicate with, engage, and empower community participants;" and

WHEREAS, Code for America is a national nonprofit that organizes networks of people who build technology to further local governments' priorities of creating healthy, prosperous, and safe communities; and their goal is "government services that are simple, effective, and easy to use for everyone;" and

WHEREAS, goal number one of the City Council's strategic priorities is to institute a racial equity toolkit per the Government Alliance on Race and Equity (GARE) and implement the GARE tool kit, which depends upon measuring the impact of resources and investments allocated to programs and infrastructure and as such the products produced as a result of this agreement will directly support this goal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with Code for America Labs, Inc. in the amount not to exceed $11,000 to participate in the Community Fellowship Program.

Read, approved and adopted this the 28th day of August 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-209

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has previously awarded the City of Asheville the amount of $22,335 to act as fiduciary for the Asheville High Intensity Drug Trafficking Area (HIDTA);

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has increased the previous award to the City of Asheville by the amount of $25,000 to a total of $47,335 to act as fiduciary for the Asheville High Intensity Drug Trafficking Area (HIDTA);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the Executive Office of the President, Office of National Drug Control Policy in the amount of $47,335.

Read, approved, and adopted this 28th day of August, 2018

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

64

RESOLUTION NO. 18- 210

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS/SUPPLEMENTAL AGREEMENTS WITH WITHERSRAVENEL, INC. FOR PROFESSIONAL ENGINEERING SERVICES PURSUANT TO A MASTER AGREEMENT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with WithersRavenel, Inc.; and

WHEREAS, the City has entered into a no cost master on-call (i.e. Master Services Agreement) contract for an initial term of two years with an option to renew for up to three additional one-year periods; and

WHEREAS, City Council hereby approves the process of entering into a process that recognizes contacts entered into under the Master Agreement as individuals, rather than cumulative;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to continue entering into individual professional services contracts with WithersRavenel, Inc. for design and engineering professional services under the On-Call Professional Services Master Agreement on behalf of the City of Asheville during its initial term for professional services with the option to renew for up to three additional one-year periods contingent upon approval by Council for each fiscal year and is further authorized to execute any change orders to said contract or documents which may arise during performance of the contract up to the budgeted amount.

Read, approved and adopted this the 28th day of August, 2018.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-211

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (2008 Sterling LT9500 Dump Truck), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus 2008 Sterling LT9500 Dump Truck ("Dump Truck"), with an estimated wholesale value of $40,000; and

WHEREAS, the Dump Truck was advertised on the Public Surplus Bid website and upon completion of the auction on Sunday, July 22, 2018, the highest bid was $49,100.00; and

WHEREAS, to finalize the sale of the Dump Truck, City Council approval is needed; and

WHEREAS, proceeds of the sale will be returned to the Water Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the 2008 Sterling LT9500 Dump Truck for $49,100.00

2. The Purchasing Manager is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the 2008 Sterling LT9500 Dump Truck.

Read, approved and adopted this the 28th day of August, 2018.

Magdalen Bourlon
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourlon
City Clerk

66

RESOLUTION NO. 18- 212

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF SUNDAY, SEPTEMBER 2, 2018 FROM 12:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Cup.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Beer City Cup event area, as set forth in Exhibit A, attached.

   The Beer City Cup event area is within the boundaries of Memorial Stadium located at 32 Buchanan Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Beer City Cup on Sunday, September 2, 2018 from 12:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Beer City Cup event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Beer City Cup event area, or elsewhere in

the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Cup, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlson
City Clerk

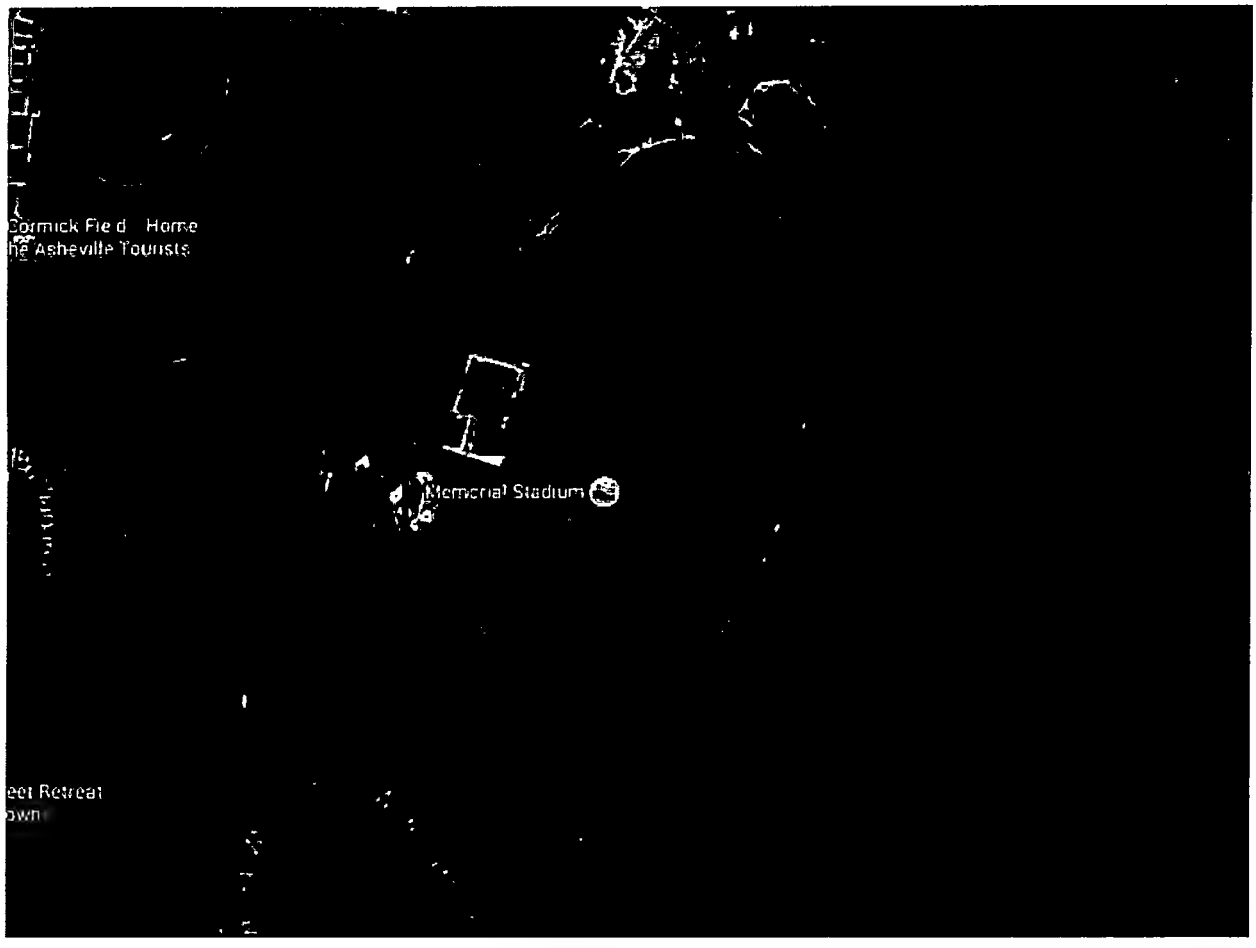
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 213

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON THE DATES OF FRIDAY, SEPTEMBER 7, 2018 FROM 5:00 PM – 10:00 PM, SATURDAY, SEPTEMBER 8, 2018 FROM 10:00 AM – 10:00 PM, AND SUNDAY, SEPTEMBER 9, 2018 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Goombay Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Goombay Festival event area, as set forth in Exhibit A, attached.

   The Goombay Festival event area is within the boundaries of the Roger McGuire Green and the Court Plaza Parking Lot at Pack Square Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Goombay Festival on Friday, September 7, 2018 from 5:00 p.m. – 10:00 p.m., Saturday, September 8, 2018 from 10:00 a.m. – 10:00 p.m., and Sunday, September 9, 2018 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of

and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Goombay Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Goombay Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Goombay Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28nd day of August, 2018.

Magdalen Bowlson
City Clerk

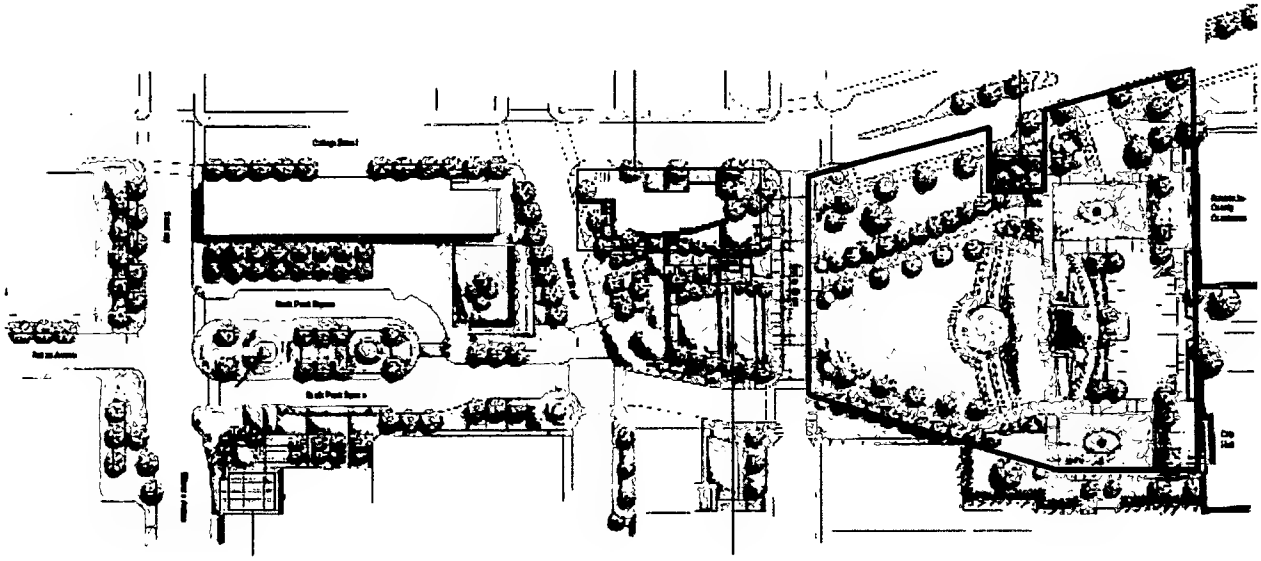
Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A



Alcohol Area

72.

RESOLUTION NO. 18- 214

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FARM TO VILLAGE DINNER ON THE DATE OF THURSDAY, SEPTEMBER 6, 2018 FROM 6:00 PM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Farm to Village Dinner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Farm to Village Dinner event area, as set forth in Exhibit A, attached.

   The Farm to Village Dinner event area is within the boundaries of Boston Way between the intersections of Kitchin Place/Biltmore Plaza and Swan Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Farm to Village Dinner on Thursday, September 6, 2018 from 6:00 p.m. – 9:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Farm to Village Dinner event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Farm to Village Dinner event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Farm to Village Dinner, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

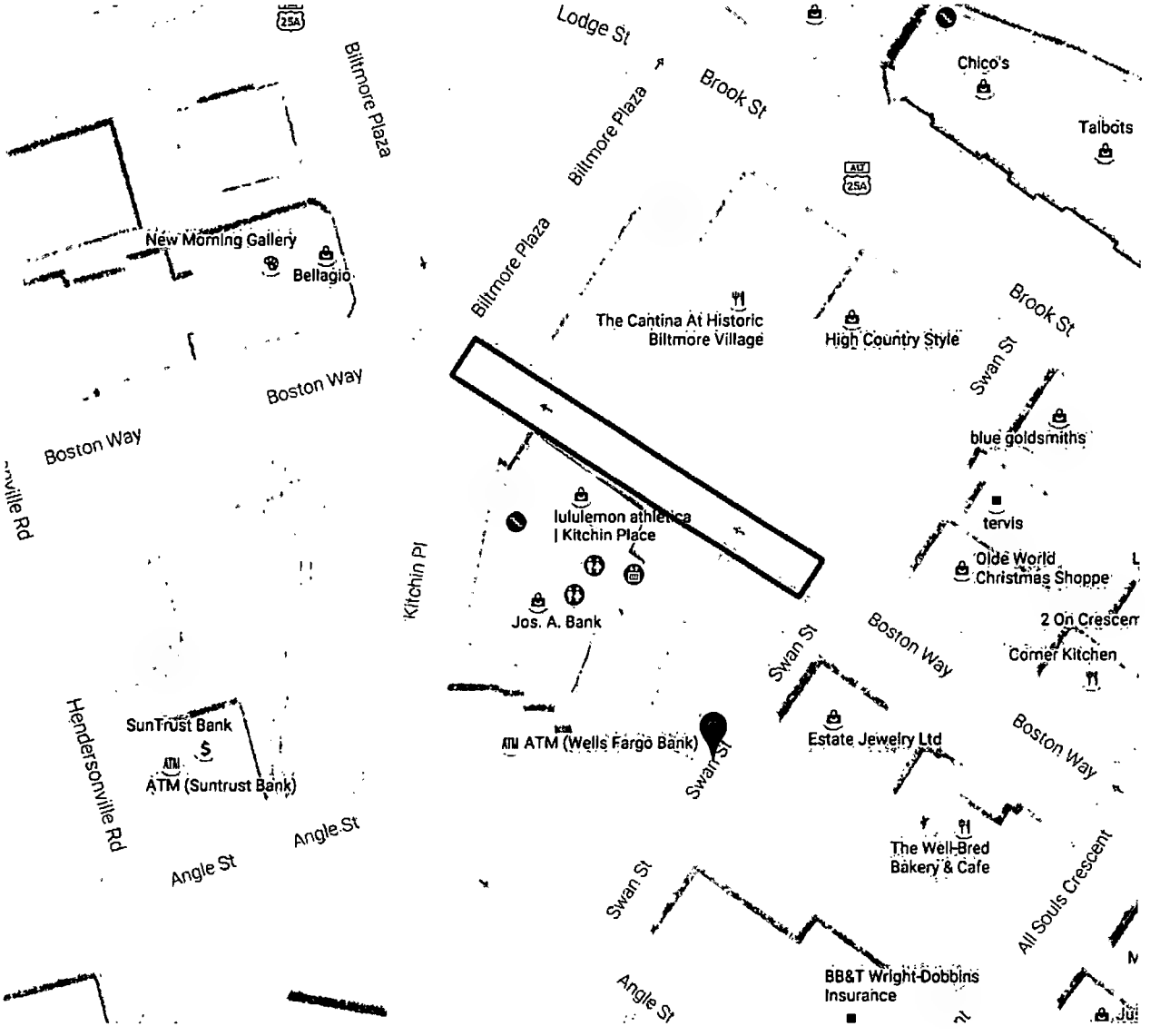
Approved as to form:

City Attorney

Magdalen Bowlesson

74

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 215

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL ON THE DATE OF SATURDAY, SEPTEMBER 15, 2018 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Brewgrass Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Brewgrass Festival event area, as set forth in Exhibit A, attached.

   The Brewgrass Festival event area is within the boundaries of Memorial Stadium located at 32 Buchanan Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Brewgrass Festival on Saturday, September 15, 2018 from 12:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Brewgrass Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Brewgrass Festival event area,

or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Brewgrass Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

EXHIBIT A

Alcohol Area

RESOLUTION NO. 18- 216

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST ON THE DATE OF SATURDAY, OCTOBER 6, 2018 FROM 1:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville Oktoberfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Asheville Oktoberfest event area, as set forth in Exhibit A, attached.

   The Asheville Oktoberfest event area is within the boundaries of the Roger McGuire Green at Pack Square Park, South Spruce Street between the intersections of College Street and Court Plaza, and the City-County parking lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Asheville Oktoberfest on Saturday, October 6, 2018 from 1:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Asheville Oktoberfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Asheville Oktoberfest event

area or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Oktoberfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowleson
City Clerk

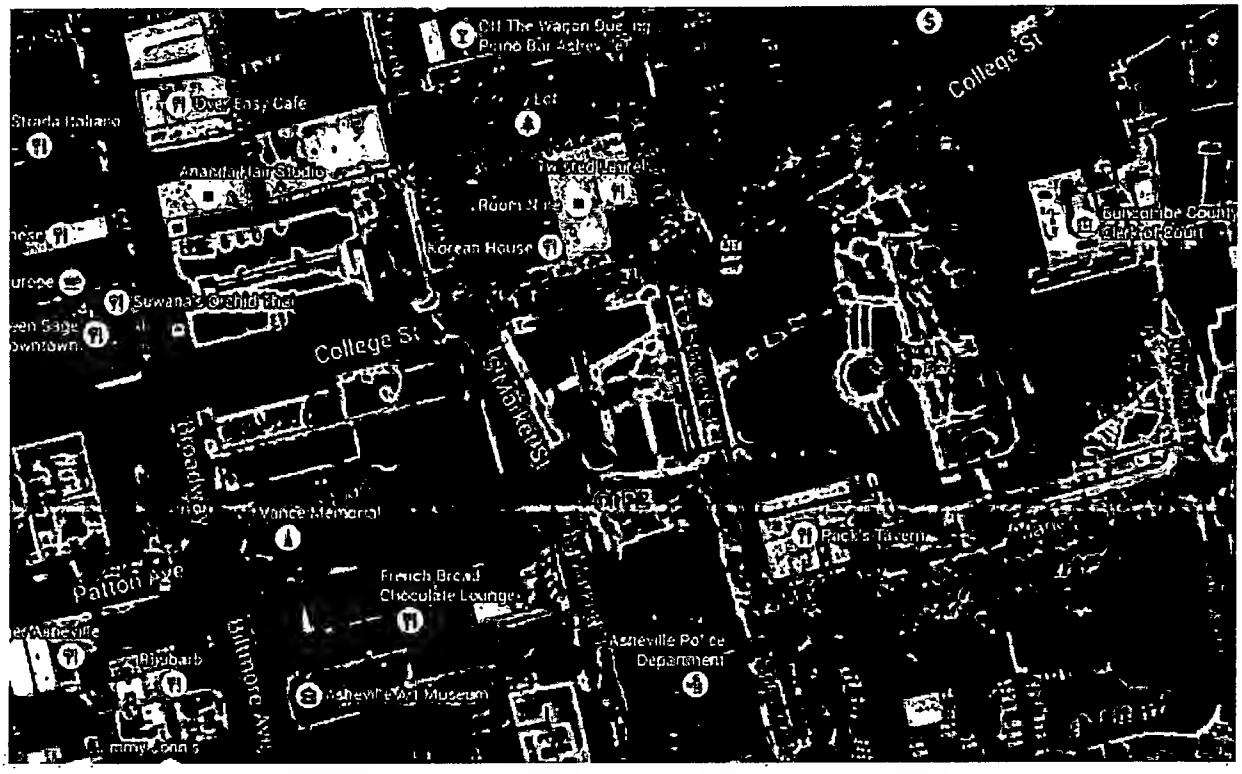
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 217

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM BUNCOMBE COUNTY AND CONNECT BUNCOMBE TO BE APPLIED TOWARDS THE LOCAL MATCH FOR THE NORTH RIVER ARTS DISTRICT GREENWAY PROJECT

WHEREAS, pursuant to N.C.G.S. # 160A-240.1 a City is authorized to acquire funds by grants and other methods; and

WHEREAS, the City of Asheville is actively developing and constructing a greenway network throughout the entire City; and

WHEREAS, Buncombe County has asked the City of Asheville to administer and manage the preliminary engineering phase of the project; and

WHEREAS, Buncombe County and Connect Buncombe are participating as partners in the project by providing funds to be applied to the required local match;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept the combined donated funding in the amount of $40,000 from Buncombe County and Connect Buncombe to be applied to the required local match, and execute any documents in acceptance of said funding.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-218

RESOLUTION ADOPTING A REVISED POLICY FOR THE NAMING OF PUBLICLY OWNED PROPERTIES TO INCLUDE THE DEDICATION OF INFRASTRUCTURE (PUBLIC STREETS AND BRIDGES) WITHIN THE PUBLIC RIGHT-OF-WAY

WHEREAS, the City of Asheville adopted a written policy for the naming of publicly owned properties on March 25, 2014; and

WHEREAS, the City of Asheville desires to recognize noteworthy individuals and/or organizations that have served the community with honor and distinction; and

WHEREAS, the City of Asheville would like to revise the written policy for naming public property to include a policy to dedicate public infrastructure (public streets and bridges) within the public right-of-way; and

WHEREAS, the City of Asheville staff have investigated best practices regarding policy of naming publicly owned properties that has resulted in a submitted formal written policy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of Asheville adopts the attached revised policy for naming publicly owned properties to include dedicating public infrastructure (public streets and bridges) within the public right-of-way.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

Posted 01302017

Policy for Naming Publicly Owned Properties & **Dedicating Public Streets and Bridges**

Eff. 03252014

Purpose – The Asheville City Council (herein referred to after as Council) believes that the naming of public property such as buildings, parks, squares and greenways **and the dedication of public streets and bridges** is a matter of great importance and deserves careful and deliberate consideration. The Council, therefore, establishes this policy to establish a systematic and consistent methodology for the naming of City-owned property **and dedication of public streets and bridges.**

Applicability – This policy shall apply to all City of Asheville owned property subject to the care, custody and control of the Council, or their designated authorities. Such property is comprised of all the real estate**, public streets and bridges,** and personal property owned by the City of Asheville.

Policy – When considering the naming of any public property or portion thereof **or the dedication of any public street or bridge,** the Council may consider the following guidelines:

- Priority should be given to names carrying geographical, historical or cultural significance to the area in which the property is located or to the City of Asheville as a whole.
- Property may be named after an individual when the individual has a historical association with the property, the area in which it is located in the City of Asheville as a whole, or where the individual played a leadership role in the City of Asheville, such as through distinguished service in the military, law enforcement, firefighting or public service. Quality of contribution in these areas may be considered along with length of service.

- Property may be named after an individual or organization that has made significant financial or civic contributions to the City of Asheville, or has made a direct financial grant to the City of Asheville for purposes of developing a particular property.
- Names should be chosen in a manner that avoids duplication, confusing similarity or inappropriateness.

Suggestions for the naming of any of any public property or portion thereof may come to the Council from any City of Asheville Department Director or official or any member of the public. Any proposal from the public or otherwise, can bring their request forward to either the Mayor or City Manager or any three members of Council, as is the normal process for placing items on the agenda.

Prior to voting on a name, the Council may solicit the advice of surrounding property owners, residents, affected parties, other City officials or anyone else that the Council believes can contribute meaningful input.

The naming of any property or portions thereof shall require a majority vote of the Council members present.

For the dedication of public streets and bridges within public right-of-way, the following guidelines also apply:

1. **Eligible streets include COA-maintained streets with a minimum length of 0.5 mile and a maximum length of 1.5 miles.**
2. **Eligible bridges include COA-maintained bridges.**
3. **Sign wording would be "John Doe Memorial Street" or "John Doe Memorial Bridge". For Police officers or Firefighters, a title could also be added.**
4. **Two white on green signs would be fabricated, installed, and maintained by the City (at the beginning and ending points of the street or on each side of the bridge).**
5. **One smaller size white on green sign would be fabricated and framed for the family by the City.**
6. **Funding for the signs would be provided by the Transportation Department.**

This policy is only a guide and nothing herein shall be construed so as to limit the Council's authority to use its discretion based on the facts and circumstances surrounding a particular issue.

This policy may be amended or rescinded by the Council by majority vote.

RESOLUTION NO. 18-219

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR GUARANTEED MAXIMUM PRICE WITH SELECTED CMAR, J. BRADY CONTRACTING, INC, FOR THE U.S. CELLULAR CENTER FACILITY RENOVATION & HVAC MODERNIZATION CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1, statements of qualification were solicited for a construction manager-at-risk the project known as the U.S. Cellular Center Facility Renovation and HVAC Modernization project; and

WHEREAS, J. Brady Contracting, Inc., was judged the best qualified firm for the project; and

WHEREAS, the contract generally consists of preconstruction services, and construction management services in order to renovate the U.S. Cellular Center press/meeting room, expand storage, and to modernize the HVAC systems in order to expand type and frequency of events the venue can host; and

WHEREAS, the CMAR completed the preconstruction services, including prequalification of first tier subcontractors, and publicly bid the Press/Meeting Room and Storage Renovation Phase of the project, and the City and CMAR negotiated for construction services; and

WHEREAS, the City entered into a contract in the amount of $67,000.00 for preconstruction services, and the amendment to said contract is a guaranteed maximum price of $536,135.00, for a total maximum price of $603,135.00 for services necessary to complete this phase of the project; and

WHEREAS, the funding for the project is allocated within the TPDF Theater Project in the Capital Improvement Program Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a contract amendment to the construction manager-at-risk contract with J. Brady Contracting, Inc., in the amount of $536,135.00, for a total maximum price of $603,135.00, for this phase of construction services for the U.S. Cellular Center Facility Renovation and HVAC Modernization contract, and further authorized to execute any change orders to said contract or documents which may arise during the services of said projects to the extent that contingency funds exist within the approved project budget.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION 18-220

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER REVENUE BOND ANTICIPATION NOTE AND CERTAIN RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the *"Act"*), to issue, subject to the approval of the Local Government Commission of North Carolina (the *"LGC"*), at one time or from time to time revenue bond anticipation notes of the City for the purposes as specified in the Act; and

WHEREAS, the City Council (the *"City Council"*) of the City hereby determines that it is desirable to finance the costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the water system owned by the City (collectively, the *"Projects"*);

WHEREAS, the City Council is considering the issuance of the City's Water System Revenue Bond Anticipation Note, Series 2018 (the *"Bond Anticipation Note"*) in an aggregate principal amount not to exceed $40,000,000 under a General Trust Indenture dated as of December 1, 2005 between the City and The Bank of New York Trust Company, N.A., now known as The Bank of New York Mellon Trust Company, N.A., as trustee, (the *"Trustee"*) (the *"General Indenture"*) and Series Indenture, Number 4 to be dated on or about October 1, 2018 (the *"Series Indenture"*) between the City and the Trustee, to pay the costs of the Projects;

WHEREAS, a financial institution to be determined will purchase the Bond Anticipation Note and provide the City with the funding for the Projects on a draw-down basis under the terms of the Series Indenture and a Note Purchase and Advance Agreement (the *"Purchase Agreement"*) between the City and the purchaser of the Bond Anticipation Note;

WHEREAS, the City Council has considered and recognized that variable interest rate debt instruments may subject the City to the risk of higher interest rates in the future;

WHEREAS, the City Council believes that a draw-down program as contemplated in the Series Indenture and the Purchase Agreement is superior to a fixed rate financing because it will lower the City's overall cost of capital;

WHEREAS, the City Council wants to (A) retain Parker Poe Adams & Bernstein LLP, as bond counsel; (B) retain DEC Associates, Inc., as the financial advisor; (C) retain as The Bank of New York Mellon Trust Company, N.A., as trustee and paying agent for the Bond Anticipation Note; and (D) authorize and approve the retention of such other professionals as the Chief Financial Officer of the City determines may be necessary to carry out the financing contemplated in this Resolution, including a financial institution to be determined as the purchaser of the Bond Anticipation Note (collectively, the "*Financing Team*");

WHEREAS, the City Council wants the Chief Financial Officer of the City to file with the LGC an application for its approval of the Bond Anticipation Note, on a form prescribed by the LGC, and (1) request in such application that the LGC approve (a) the negotiation of the sale of the Bond Anticipation

Note and (b) the City's use of the Financing Team and (2) state in such application such facts and to attach thereto such exhibits in regard to the Bond Anticipation Note and to the City and its financial condition, as may be required by the LGC, and to take all other action necessary to the issuance of the Bond Anticipation Note;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. The Bond Anticipation Note is to be issued by the City for the purpose of providing funds (1) to finance the costs of the Projects and (2) to pay the costs of issuing the Bond Anticipation Note all as set out fully in the documents attached to the City's application to the Commission. The use of the proceeds of the Bond Anticipation Note, as described, is necessary in order to meet the needs of the users of the water system and to assure that the water system remains in full compliance with all state and federal requirements for the provision of water services. The Bond Anticipation Note shall be a special obligation of the City. The principal of, premium, if any, and interest on the Bond Anticipation Note shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture and the Series Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the Bond Anticipation Note, and no holder of Bond Anticipation Note has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 2. The Chief Financial Officer of the City with advice from the City Attorney and bond counsel, is hereby authorized, directed and designated to file an application with the LGC for its approval of the issuance of the Bond Anticipation Note. The Financing Team for the Bond Anticipation Note is hereby approved.

Section 3. The City Council finds and determines and asks the LGC to find and determine from the City's application and supporting documentation:

(a) that the issuance of the Bond Anticipation Note is necessary or expedient;
(b) that the not to exceed stated principal amount of the Bond Anticipation Note will be sufficient but is not excessive, when added to other money available for such purpose, to pay the costs of the Projects;
(c) that the City's water system as now constituted and as it will be constituted after the completion of the Projects is feasible;
(d) that the City's debt management procedure and policies are good; and
(e) that the Bond Anticipation Note can be marketed at a reasonable interest cost to the City.

Section 4. The City Council requests that the LGC sell the Bond Anticipation Note at private sale without advertisement through negotiation pursuant to the terms of the Purchase Agreement but at an initial interest rate not exceeding 4.00% and thereafter at an interest rate to be set in accordance with the Purchase Agreement.

Section 5. The Mayor, the City Manager, the Chief Financial Officer, the City Clerk, including anyone serving as such in an interim capacity, and their respective designees (the *"Authorized Officers"*), are hereby authorized, empowered and directed to do all such acts and things and to execute

all such documents as may be necessary to complete the steps necessary for the issuance of the Bond Anticipation Note. All acts and doings of the Authorized Officers that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the Bond Anticipation Note and the execution, delivery and performance of the Series Indenture and the Purchase Agreement shall be, and the same hereby are, in all respects approved and confirmed. Any provision in this Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 6. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 7. This Resolution is effective on its adoption.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Boulson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 18- 221

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE CONVEYANCE OF REAL PROPERTY LOCATED OFF OF SOUTHCLIFF PARKWAY FROM MRECV SOUTHCLIFF LM LLC

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method;

WHEREAS, MRCEV Southcliff LM LLC has offered to convey an real property as recorded as Plat Book 187 Page 189 to the City of Asheville at no cost to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept the conveyance of real property from MRCEV Southcliff LM LLC as shown on Plat Book 187 Page 189. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-222

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS UNDER THE BUREAU OF JUSTICE ASSISTANCE OF THE U.S. DEPARTMENT OF JUSTICE

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the U.S. Department of Justice (DOJ) has awarded the City of Asheville the amount of $58,235 through the Office of Justice Programs (OJP) and Bureau of Justice Assistance (BJA) for an interview recording platform and for the equitable distribution of funds to the Buncombe county Sheriff's Office;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the U.S. Department of Justice for an Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $58,235. The Asheville Police Department will be awarded $46,494 while the Buncombe County Sheriff's Office will receive $11,741.

Read, approved, and adopted this 28th day of August, 2018

Magdalen Bowlesson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 18-223

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH J. BARTHOLOMEW CONSTRUCTION, LLC., FOR A RETAINING WALL AT THE RECREATION PARK POOL PUMP HOUSE

WHEREAS, pursuant to N.C.G.S. § 143-131, the informal bidding procedures for construction contract, J. Bartholomew Construction, LLC., was the lowest bidder for the Project, with a Base Bid of $138,537; and

WHEREAS, the contract generally consists of all labor, materials, and equipment to construct the Recreation Park Pool Pump House Retaining Wall project;

WHEREAS, the funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Construction Agreement with J. Bartholomew Construction, LLC., for a contract amount of $138,537, for construction of the Recreation Park Pool Pump House Retaining Wall project, and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount, and further authorized to allocate in the budget a 10% construction cost contingency in the amount of $13,854.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-224

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUPPORT THE RIVERFRONT DEVELOPMENT GROUP APPLICATION TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR GRANT FUNDING OF CAPITAL PROJECTS ON CITY LAND OWNED/LEASED, AND TO COMMIT TO CONSIDER AN ALLOCATION OF $250,000 AS PART OF THE FISCAL YEAR 2019-20 CAPITAL BUDGET FOR PHASE I OF THE PROJECT

WHEREAS, the Riverfront Development Group (RDG) has applied for a grant from the Tourism Development Authority (TDA) to provide a Memorial Room and other improvements at the Stephens-Lee Center and construct an African American Heritage Trail; and,

WHEREAS, RDG's application has made it through the first round of reviews from the Tourism Product Development Fund (TPDF) and the next application is due August 29, 2018; and

WHEREAS, the City has been working with the Stephens-Lee Alumni Board to plan for a Memorial Room in Stephens-Lee to commeriate Stephens-Lee graduates; and,

WHEREAS, RDG included a match in the original TDA grant for the Memorial Room; and

WHEREAS, prior to allowing the construction of the Memorial Room, the City would need permission from the Parks and Recreation Trust Fund (PARTF); and

WHEREAS, Council supports the development of an MOU between the City of Asheville, RDG, the Stephens-Lee Alumni Association, the East End Neighborhood Association, and potentially Buncombe County to define the project more clearly as well as roles and responsibilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign documents supporting the Riverfront Development Group (RDG) application to the Buncombe County TDA for grant funding of capital projects on City land owned/leased, and to commit to consider an allocation of $250,000 as part of the FY 2019-20 Capital Budget for Phase I of the project.

Read, approved and adopted this the 28th day of August, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18- 225

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, Mr. Paul Wilczynski was appointed to a Regular seat, thus leaving his Alternate seat vacant until January 21, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Suzanne Godsey, 27 S. Oak Forest Drive, Asheville, N.C. be and she is hereby appointed as an Alternate Member of the Board of Adjustment, to serve the unexpired term of Mr. Wilczynski, term to expire January 21, 2021, or until her successor has been appointed.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bourleson
CITY CLERK

Edwin G. Mumford
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 18-226

RESOLUTION APPOINTING A CHAIR TO THE CIVIL SERVICE BOARD

WHEREAS, it is the responsibility of City Council to annually appoint the Chair of the Civil Service Board; and

WHEREAS, current Chair Alan Coxie resigned, thus leaving a vacancy for the Chair seat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Carol Goins, 17 Rocking Porch Road, Asheville, N.C., be and she is hereby appointed as Chairman of the Civil Service Board to serve a one-year term, term to expire August 28, 2019, or until her successor is duly appointed or until her term on the Civil Service Board expires, whichever occurs first.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18- 227

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSIONS

WHEREAS, Janet Whitworth has resigned as a member of the Asheville-Buncombe Historic Resources Commission, thus leaving an unexpired term until July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Hillary Mannion, 32 Crescent Street, Asheville, N.C., be and she is hereby appointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Ms. Whitworth, term to expire July 1, 2020, or until her successor has been appointed.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-228

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, Jackson Tierney (at-large representative) has resigned as a member on the Neighborhood Advisory Committee, thus leaving an unexpired term until July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Cissy Dendy, 45 Madison, Asheville, N.C., be and she is hereby appointed as a member of the Neighborhood Advisory Committee (at large representative), to serve the unexpired term of Mr. Jackson, term to expire July 1, 2020, or until her successor has been appointed.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlesson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-229

RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD

WHEREAS, the term of Robert Glenn (Alternate member) on the Noise Ordinance Appeals Board expired on July 1, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Patrick Gilbert, 14 Stonebridge Drive, Asheville, N.C., be and he is hereby appointed as an Alternate member to the Noise Ordinance Appeals Board to serve a three-year term, term to expire July 1, 2021, or until his successor has been appointed.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlesson
CITY CLERK

Edwin C. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18- 230

RESOLUTION APPOINTING A MEMBER TO THE TREE COMMISSION

WHEREAS, Diana Hillgrove has resigned from the Tree Commission, thus leaving an unexpired term until December 31, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Guillermo Rodriguez, 406 Windswept Drive, Asheville, N.C., be and he is hereby appointed to serve the unexpired term of Ms. Hillgrove, term to expire December 31, 2020, or until his has successor has been appointed.

Read, approved and adopted this 28th day of August, 2018.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

100

RESOLUTION NO. 18 - 231

RESOLUTION ACCEPTING WILLIS WAY ALLEY AS A CITY STREET

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over all public streets within its jurisdiction, including the power to acquire streets through dedication and acceptance; and

WHEREAS, Willis Way Alley from Ramoth Road to Norwood Avenue is located within the corporate limits of the City of Asheville; and

WHEREAS, Willis Way Alley from Ramoth Road to Norwood Avenue has been offered for dedication to the City for public use; and

WHEREAS, Willis Way Alley from Ramoth Road to Norwood Avenue was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the Water Department is responsible for repairing any major failures to Willis Way Alley from Ramoth Road to Norwood Avenue including but not limited to drainage infrastructure, street subgrade, and pavement structure within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the right-of-way width of 15 feet for Willis Way Alley from Ramoth Road to Norwood Avenue has been recorded in Plat Book 198 Page 50; and

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville accepts Willis Way Alley from Ramoth Road to Norwood Avenue as a City Street, as indicated on the attached map section.

Read, approved and adopted this 11th day of September, 2018.

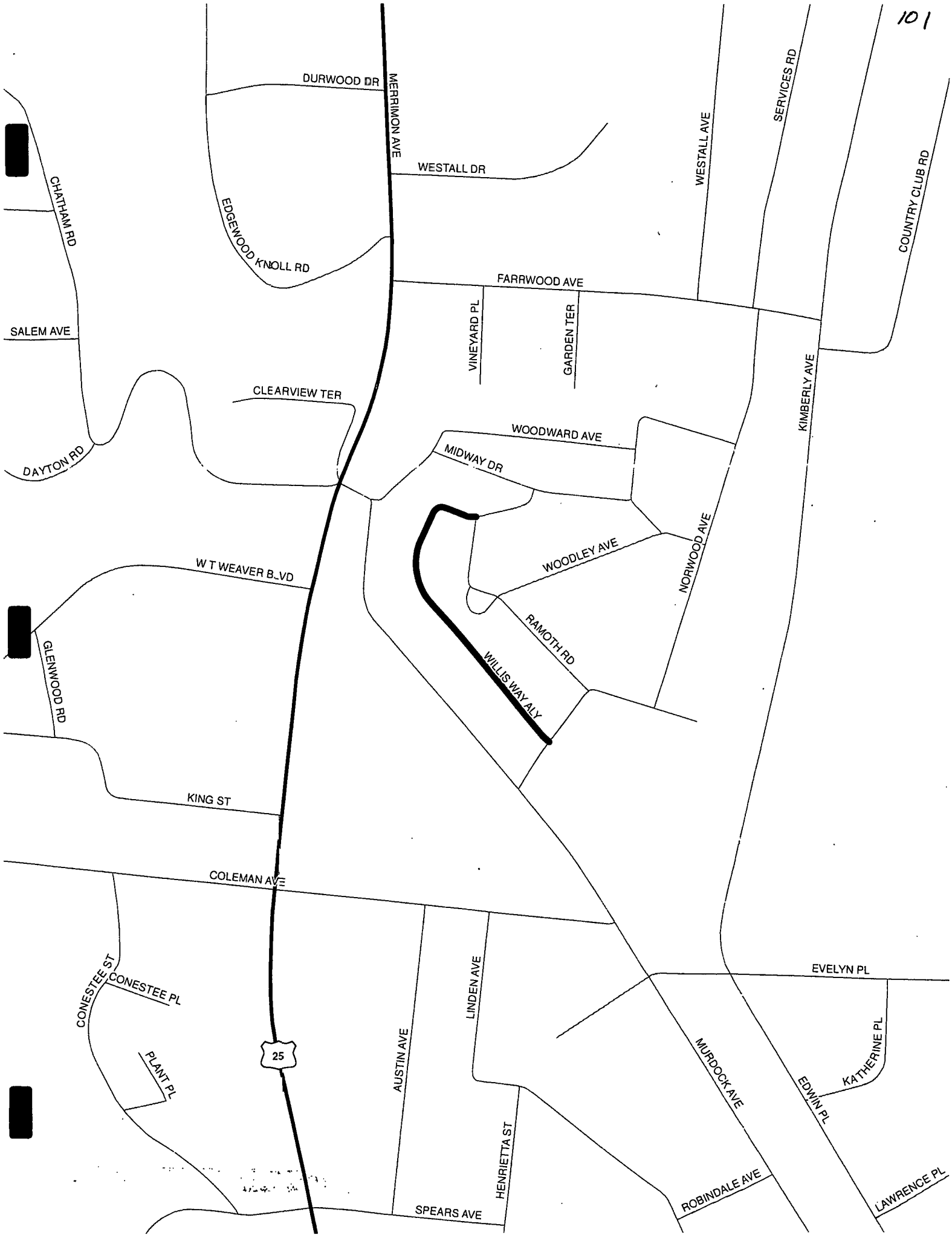
Magdalen Bowleson
City Clerk

Esther McEntire
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk


DURWOOD DR
MERRIMON AVE
WESTALL DR
WESTALL AVE
SERVICES RD
COUNTRY CLUB RD
CHATHAM RD
EDGEWOOD KNOLL RD
FARRWOOD AVE
SALEM AVE
VINEYARD PL
GARDEN TER
KIMBERLY AVE
CLEARVIEW TER
WOODWARD AVE
MIDWAY DR
DAYTON RD
NORWOOD AVE
WOODLEY AVE
W T WEAVER BLVD
RAMOTH RD
WILLIS WAY ALY
GLENWOOD RD
KING ST
COLEMAN AVE
EVELYN PL
CONESTEE ST
CONESTEE PL
LINDEN AVE
AUSTIN AVE
KATHERINE PL
MURDOCK AVE
EDWIN PL
PLANT PL
25
HENRIETTA ST
ROBINDALE AVE
SPEARS AVE
LAWRENCE PL

102

RESOLUTION NO. 18-232

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER IN A CONTRACT WITH RESTOCON CORPORATION FOR REPAIRS AND RESTORATION OF THE CIVIC CENTER GARAGE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, restoration and repairs services are needed in the Civic Center Parking Garage; and

WHEREAS, the amount of the contract is $274,000.00 and the monies have been budgeted in the Transportation Department/Parking Services' Capital Budget for FY 2018-19;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with RESTOCON Company, not to exceed $300,000.00, including contingency, to repair and restore the Civic Center Parking Garage and further authorized to execute any change orders to said contract or document which might arise during the time period of the contract up to the budgeted amount.

Read, approved and adopted this the 11th day of September 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-233

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AZTECA SYSTEMS, LLC FOR A CONTRACT FOR ENTERPRISE ASSET MANAGEMENT SYSTEM SOFTWARE LICENSE, MAINTENANCE AND SUPPORT

WHEREAS, the City of Asheville has authority pursuant to North Carolina General Statute sec 160A-20.1 to enter into contracts for services with other entities for the purchase of information technology goods and services; and

WHEREAS, the City currently has a utility-based license agreement with Azteca Systems, LLC for enterprise asset management software license, maintenance, and support, and staff recommends an enterprise-wide agreement to expand the use of the software to multiple departments; and

WHEREAS, Azteca Systems, LLC is the sole-source vendor to provide said license, maintenance, and support; and

WHEREAS, the current agreement between the City of Asheville and Azteca Systems, LLC is to be expanded to support numerous functional groups within the City and both parties wish to enter a new agreement for this purpose;

WHEREAS, the funding is currently allocated within Water Resources Department and Public Works Department budgets;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an enterprise-wide agreement with Azteca Systems, LLC on behalf of the City of Asheville for the purpose of providing an enterprise license agreement contract for asset management software, maintenance and support in the amount of $60,000 per year for City-wide use. Further, the City Manager is authorized to execute annual maintenance renewals as needed by City departments for an amount not to exceed the City's approved budget, for those departments, for each applicable fiscal year period.

Read, approved and adopted this the 11th day of September, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18- 234

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH TIMMONS GROUP FOR THE PUBLIC WORKS ASSET MANAGEMENT IMPLEMENTATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, on July 1, 2016, the City issued a Request for Proposals for the Water Resources Enterprise Asset Management Project; and

WHEREAS, this Project includes City-wide asset management needs including replacing functional group's existing, outdated work management system, expanding mobile system use, and allowing for better system integration with the department's applications including Geographic Information System (GIS) database and software; and

WHEREAS, after an extensive review by City staff, Timmons Group, of Richmond, VA, was selected for the Project, and Water Resources Department was the first to engage in a general services agreement with Timmons Group for the proposal amount of $119,480, which City Council approved on February 14, 2017, with Resolution No. 17-31; and

WHEREAS, the Public Works Department desires to execute an agreement to expand the Project scope to include similar services for Public Works; and

WHEREAS, the agreement for the Public Works Asset Management Project includes, but is not limited to: consultation, data conversion, customization, licensing, training, integrations, and software support required for the expanded use of Cityworks Server Asset Management System; and

WHEREAS, funding is currently allocated and the Project has been reviewed by the Public Works Department with staff recommending approval of the agreement with Timmons Group;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a general services agreement with Timmons Group for the Public Works Asset Management Project for the amount of $199,100 plus a 15.5% contingency of $30,900 for a total project budget of $230,000, and further authorized to execute any change orders or contract amendments to said contract which may arise during implementation of said Public Works Project up to the budgeted amount.

Read, approved and adopted this the 11th day of September, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-235

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ADW ARCHITECTS FOR PROFESSIONAL SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF FIRE STATION #13

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville desires to design and construct Fire Station #13 and the proposed professional services are necessary to design the proposed project; and

WHEREAS, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with the best qualified firm, ADW Architects; and

WHEREAS, the amount of the Agreement for Professional Services is $456,583.00 and the monies have been budgeted in the Capital Improvement Program in the 2013-14 Fiscal Year Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with ADW Architects in the amount of $456,583.00 for professional services related to the design and construction of Fire Station #13 and further authorized to execute any change orders to said contract or documents which may arise during performance of said project up to the budgeted amount.

Read, approved and adopted this the 11th day of September, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 18 - 236

RESOLUTION ACCEPTING MCKINLEY AVENUE AS A CITY STREET

WHEREAS, pursuant to NCGS § 160A-296, the City of Asheville has general authority and control over all public streets within its jurisdiction, including the power to acquire streets through dedication and acceptance; and

WHEREAS, McKinley Avenue is located within the corporate limits of the City of Asheville; and

WHEREAS, McKinley Avenue has been offered for dedication to the City for public use; and

WHEREAS, McKinley Avenue was constructed and inspected according to current standards including the City of Asheville's Standard Specifications and Details Manual; and

WHEREAS, the developer is responsible for repairing any major failures to McKinley Avenue including but not limited to drainage infrastructure, street subgrade, pavement structure, and curb and gutter sections within a two-year warranty period (warranty period begins on the date of acceptance by City Council); and

WHEREAS, dedication of the variable right-of-way width of 30 to 40 feet for McKinley Avenue has been recorded in Plat Book 164 Page 189;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville accepts McKinley Avenue as a City Street, as indicated on the attached map section.

Read, approved and adopted this 11th day of September, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

AZALEA ST
ROSE ST W
MARIGOLD ST
WHITE AVE
BROOKLYN RD
SHORT SHILOH RD
SHILOH RD
HAMPTON ST
GAINES AVE
JEFFRESS AVE
GRANT AVE
TAFT AVE
MCKINLEY AVE
CENTURY BLVD
25
BUSBEE RD
HENDERSONVILLE RD
CORNELL ST
FOREST ST
WHITE OAK RD
E ARDMORE ST
ARDMORE ST
CARIBOU RD

108

RESOLUTION NO. 18-237

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE EXCESS LIABILITY AND WORKERS' COMPENSATION AND DAM INSURANCE FOR SEPTEMBER 1, 2018 - AUGUST 31, 2019

WHEREAS, the City of Asheville Risk Management Division is responsible to ensure City assets are adequately protected from losses; and

WHEREAS, the City of Asheville Risk Management Division administers self-insured claims programs for liability and workers' compensation claims arising against the City of Asheville; and

WHEREAS, the City of Asheville purchases specific lines of insurance to indemnify the City from loss occurrences above the City of Asheville's self-insured retention limits.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to purchase the following insurance policies for the period of September 1, 2018 through August 31, 3019 to insure losses in excess of the City of Asheville's self-insured retention limits:

Line of Insurance	Coverage Limit	Premium
Excess Liability (Primary)	$5,000,000	$314,795
Excess Liability (Umbrella)	$10,000,000	$134,567
Dams	$15,000,000	$190,890
Workers' Compensation	Statutory (No Limit)	$234,681

Read, approved and adopted this 11th day of September, 2018.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-238

RESOLUTION RESCINDING APPOINTMENT TO CIVIL SERVICE BOARD AND AUTHORIZING THE POSTING OF NOTICE SOLICITING NEW APPLICANTS

WHEREAS, the City Council has authority to appoint two members of the five members of the Civil Service Board pursuant to 2009 N.C. Sess. Laws ch. 401, § 2(a) ("the Civil Service Act"); and

WHEREAS, the Civil Service Act provides that such appointees "shall serve at the pleasure of the Council"; and

WHEREAS, on June 28, 2017, the City Council approved Resolution No. 17-90 appointing Mr. Alan Escovitz to the Civil Service Board until May 21, 2019; and

WHEREAS, the City Council wishes to appoint a new member to the Civil Service Board in lieu of Mr. Escovitz;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Resolution No. 17-90, appointing Mr. Alan Escovitz, 102 Macon Avenue, Asheville, NC, to the Civil Service Board, is hereby rescinded.

The City Clerk is hereby authorized to post notice soliciting applications for appointment to the Civil Service Board to fill the remainder of Mr. Escovitz' term.

Read, approved and adopted this 11th day of September, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

110

RESOLUTION NO. 18- 239

RESOLUTION ACCEPTING A STREET NAME CHANGE FOR A PORTION OF "RIVERSIDE DRIVE" TO "RIVER ARTS PLACE"

WHEREAS, the City has the authority pursuant to G.S. 160A-296 and City Code Sec. 16-175 to change the names of public streets within the City's jurisdiction; and

WHEREAS, a portion of Riverside Drive is being realigned and an approximate 500' section remnant of the existing Riverside Drive will remain near the intersection of Lyman Street; and

WHEREAS, City staff has identified the need for the remnant section to be named a new unique street name and recommends the street name change to "River Arts Place"; and

WHEREAS, Buncombe County Emergency Services Department, Buncombe County Planning Department, City of Asheville Traffic Engineering Division, Asheville Police and Fire Departments have confirmed that "River Arts Place" will not duplicate another street name elsewhere in Buncombe County or impair the delivery of municipal or emergency services; and

WHEREAS, notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation; and

WHEREAS, a public hearing on this matter was held on September 11, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The street name change of a portion of "Riverside Drive" to "River Arts Place," as shown on the attached map, be accepted and that such name acceptance be effective upon adoption of this resolution.

2. The Director of Public Works is hereby directed to cause this street name change to be entered on the City of Asheville City Maintained Street Inventory.

Read, approved and adopted this 11th day of September, 2018.

Magdalen Bowlson
City Clerk

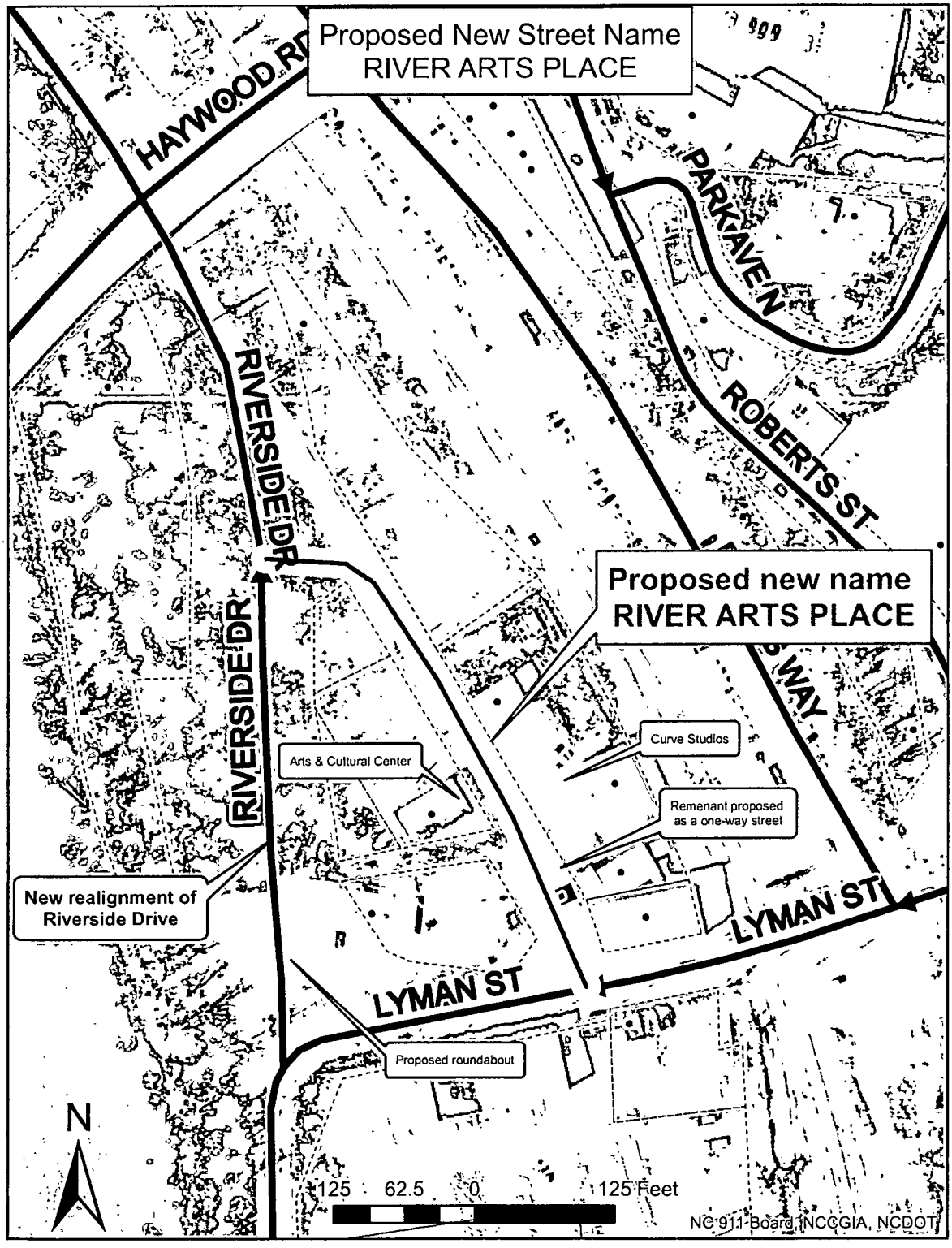
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

City of Asheville E911
Change of Public Street Name
Portion of Riverside Dr
September 11 2018



H2

RESOLUTION 18- 240

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S LAND USE INCENTIVE POLICY

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including funds for housing for low and moderate income persons; and

WHEREAS, the Asheville City Council first adopted the Transformational Development Projects Incentive Policy by Resolution No. 10-240 on November 9, 2010 and amended this Policy by Resolution No. 11-50 on March 8, 2011;Resolution No. 12-9 on January 10, 2012; and by Resolution 14-182 on August 26, 2014; and by Resolution 15-187 on September 22, 2015; and

WHEREAS, the Asheville City Council believes it is important to support development that furthers the public purposes encompassed in the major elements of the Council's Strategic Plan and the City's Comprehensive Plan and other adopted plans, including the provision of workforce and affordable housing and/or green development and energy saving projects; and

WHEREAS, the Asheville City Council believes it is necessary to modify and clarify the City's existing Land Use Incentive Policy ("LUIP") in order to further encourage the use of the LUIP and to more specifically set forth the requirements and considerations for Council approved appropriations for affordable housing and green development under the statutory authority listed above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City's Land Use Incentive Policy adopted on November 9, 2010 (Resolution No. 10-240) is hereby revised as shown on Exhibit A, attached hereto and incorporated here by reference and this version hereby replaces and supersedes all prior amendments to this Policy.

Read, approved and adopted this 11th day of September, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

LAND USE INCENTIVE POLICY
AS AMENDED SEPTEMBER 11, 2018

Authority and Purpose:
This policy is approved pursuant to N.C. Gen. Stat. § 160A-456 and is intended to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville. These public purposes include the following, which are also principal components of the City's annual strategic goals and other adopted plans: 1) the development of affordable and workforce housing. This Policy will serve to, among other things, increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. § 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456.

Process and City Council Review:
The City Council will review applications which seek grants under this Policy according to the requirements and procedures set forth in N.C. Gen. Stat. § 160A-456, and those which are set forth herein. The Council's decision to make a Land Use Incentive Grant, and the amount of any Grant which is allowed, while within the discretion of the City Council, shall be guided by this Policy.

The City Staff will accept and evaluate Land Use Incentive Grant applications submitted pursuant to this Policy for compliance with, among other things, this Policy's requirements and goals, and the City's adopted Strategic Plan and any other applicable City plans. The Staff will also evaluate the number of potential points which a project could achieve under the Policy, and will then provide a report to the City Council, with a recommendation based upon the foregoing analysis.

The Housing and Community Development Committee ("HCD") of the City Council will review the staff assessment and make a recommendation to the full Council.

Following the HCD review, the City Council will hear the staff assessment report and the Applicant's request and set a public hearing. Following the public hearing, the Council will make a discretionary determination as to whether to award the requested Grant, and the amount of any Grant awarded, based on its overall evaluation of the submitted project, not just the number of points.

Every 10 points can earn one year of economic incentive (equivalent to City property taxes in excess of currently assessed taxes for one year annually applied, *to be dated from the date of release of all occupancy permits for the project).* The baseline rents defining "affordable" and "workforce" housing shall be the rents, for income and household size and determined by the

number of bedrooms in qualified residential units, as published by Community Development Division for the year in which the Certificate of Occupancy is issued.

Every 10 points can also earn a grant equivalent to 10% reduction in the following fees and charges: Zoning Permit, Building Permit, Driveway Permit, Grading Permit, Plan review fees and Water service connection fee. This grant is in addition to the existing fees rebated for affordable housing projects. Affordable housing projects eligible for the 50% fee waiver are eligible for additional fee waivers for points awarded to the project above 50 points. Permit fees must be paid according to the schedule of fees published by the City of Asheville; the LUIG grant will grant the equivalent percentage of those fees as determined by Council, after the release of the all occupancy permits for the project.

Requirements:

The following are requirements, which must be met in order for the City Council to consider a Land Use Incentive Grant application. Applications which do not meet these minimum requirements are not permitted to request a Grant or participate in this Policy.

- The proposed development must consist of three or more dwelling units for rent;
- At least 10% of the units must meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income.
- The affordable units must be affordable to and leased to income-eligible households for at least 20 years.
- The proposed development must be located inside the city limits.
- The proposed development must be located to provide residents convenient access to jobs, schools and services. The LUIG applicant must provide information that describes how the development meets this criterion, and address walkability, access to multi-modal transportation and show locations of jobs, schools and services and their distance from the development. Generally, a walking distance of one-half mile or less to centers of businesses, education and services, or to an already established transit stop, is considered convenient access. However, an applicant may make a case for convenient access that falls outside of that definition.

Point System:

The following point system will guide the City Council in determining the actual amount of the Grant. Because the point system is a guide, the City Council is authorized to allow more or less points on any particular factor, depending upon, among other things, the characteristics, and potential benefits and/or detriments of an individual project.

Low Income Rental Housing

In order to qualify for points under this scoring element, an applicant must commit to providing low rental units for a full 20 year term that meet the City of Asheville published "low income rents," and lease to income-eligible households earning 60% or less of area median income for each of those 20 years; applicant must be willing to accept vouchers for these units. The following table shows the number of points awarded for the percentage of the affordable unit count that is committed to Low-Income Rental Housing:

20%+ low income	10 Points
50%+ low income	20

- Verification of income at initial lease-up is required, but no additional verification is required as long as the qualified tenant remains in residence in the unit.
- When qualified units become vacant, they must be leased to income-qualified tenants, with verification of income is required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented.
- The low income unit must be made available within 60 days of its vacancy

Affordable Rental Housing

Affordability is the key scoring element. In order to qualify for points under this scoring element, an applicant must commit to providing rental units for a full ~~15~~ *20* year term that meet the City of Asheville published "affordable housing" rents, and lease to income-eligible households earning 80% or less of area median income for each of those ~~15~~ *20* years. The following table shows the number of points awarded for the percentage of the total project unit count that is committed to Affordable Rental Housing:

10%+ affordable	20 Points
20%+ affordable	30
30%+ affordable	40
40%+ affordable	50
50%+	60
60%+	70
70%+	80
80%+	90
90%+	100

- Verification of income at initial lease-up is required, but no additional verification is required as long as the qualified tenant remains in residence in the unit.
- When qualified units become vacant, they must be leased to income-qualified tenants, with verification of income is required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented.
- The affordable unit must be made available within 60 days of its vacancy.
- If a combination of Low-Income and Affordable Rental Units are provided in a single development, the total combined percentage of Low-Income and Affordable is used to determine the percentage of affordable units in the project.

Workforce Rental Housing

In order to qualify for points under this scoring element, an applicant must commit to providing workforce rental units for a full 20 year term that meet the City of Asheville published "workforce rents," and lease to income-eligible households earning 100% or less of area median income for each of those 20 years. The following table shows the number of points awarded for the percentage of the total project unit count that is committed to Workforce Rental Housing:

25%+ workforce	5 Points
50%+ workforce	10
75%+ workforce	15

- Verification of income at initial lease-up is required, but no additional verification is required as long as the qualified tenant remains in residence in the unit.
- When qualified units become vacant, they must be leased to income-qualified tenants, with verification of income is required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented.
- The workforce unit must be made available within 60 days of its vacancy
- If a combination of Low-Income, Affordable and Workforce Rental Units are provided in a single development, the total combined percentage of low-income, affordable and workforce is used to determine the percentage of workforce units in the project .

Superior locational efficiency

Superior locational efficiency is encouraged. Any qualified development meeting the following characteristics will be eligible for additional points as noted:

Within .25 mile of an existing bus-stop served by twice-hourly ART transit frequency,	10 Points
Within .5 mile, of an existing public school, full-service grocery store, or ART bus stop, when served by served by one hour ART transit frequency with service expansion planned in Transit Master Plan, and an existing or concurrently developed sidewalk or marked and maintained multi-modal path.	5
Within the City's Central Business District	20 Points
Within 1 mile of designated job center (Asheville downtown, Mission Hospital main campus, Biltmore Town Square, or within 1 mile of Urban Center as defined in the City's Comprehensive Plan). Applicant may also make a case for large concentrations of job opportunities within 1 mile radius of site.	5

Longer Term Affordability:

Long-term affordability is a high priority. A qualified development meeting the following criteria will be eligible for additional points as follows:

Affordable for at least 30 years	10 Points
Affordable for 50 years of more	20 Points

Brownfield Redevelopment:

Brownfield redevelopment is encouraged. Applicants who also qualify for State of North Carolina Brownfield Redevelopment grants may request that payment of their Land Use Incentive Grant be extended beyond the awarded term, in order to be able to use both grants. However, the Land Use Incentive Grant amount will be calculated starting from the year of the Certificate of Occupancy, even if the actual payment of the grant extends beyond the awarded term.

Brownfield Redevelopment	10 Points

Scoring Table

Points	5	10	15	20	30	40	50	60	70	80	90	100
10%+ Affordable				x								
20%+ Affordable					x							
30%+ Affordable						x						
40%+ Affordable							x					
50%+ Affordable								x				
60%+ Affordable									x			
70%+ Affordable										x		
80%+ Affordable											x	
90%+ Affordable												x
25%+ Workforce	x											
50%+ Workforce		x										
75%+ Workforce			x									
20%+ Low Income		x										
50%+ Low Income				x								
Location: .25 mile or less to twice-hourly transit stop		x										
Location: Within Central Business District (CBD)				x								
Location: 1 mile from job or urban center	x											
Location: .5 mile from transp. Amenity	x											
Tenant Affordability: 30 years		x										
Tenant Affordability: 50 years				x								
Brownfield Redevelopment		x										

Other Procedures, Considerations and Potential Amount of Land Use Incentive Grant

Application Procedure:

- Applications shall be in the form of a letter written to the City Staff contact.
- The application letter should indicate clearly how the project meets the grant eligibility requirements, and the score it should receive under each of the scoring elements, as well as noting the total score.
- The application letter should clearly indicate who the developer contact person is, and how that person can be contacted.
- The application letter must provide the PIN Number of the property to be

developed, the current tax value of the property, and an estimate of the tax value of the project post-completion.

- The application letter must estimate the cost of permits eligible for the permit rebate.
- The application letter must provide an estimated start date for project construction, and an estimated date for project completion and issuance of all occupancy approvals.
- The application must be accompanied with site plans, proximity maps to transit, amenities, Job/Urban Centers, proof of NC State Brownfields Grant participation, and/or justification for points asked outside of policy.
- Applications must be received at least 10 days before a regularly scheduled Housing and Community Development Committee meeting.
- The applicant should expect the application to be considered in three meetings open to the public: 1) at a regular meeting of the Council Housing and Community Development Committee; 2) at a regularly scheduled City Council meeting, when a motion to hold a public hearing will be formally considered; 3) at a regularly scheduled City Council meeting when the public hearing will be heard, and the grant request will be formally considered by Council. Approval of a Land Use Incentive Grant under this Policy requires a public hearing and approval by the City Council, per N.C. Gen. Stat. § 158-7.1.
- Unless granted an exemption from the City Council for just cause shown, no Grant will be allowed under this Policy for projects which have received building permits.
- If approved, City staff will prepare a Land Use Incentive Grant Agreement, to be reviewed by the City Attorney, which will detail the specific terms of the grant. These including, but not limited to:
    - An estimated award, based upon the estimated difference between the current property tax value and the estimated tax value post completion, and the Council approved Land Use Incentive Grant. The actual grant will be based upon the actual assessed value at the completion of construction, as determined by the Buncombe County Tax Assessor.
    - The number of units that must be provided at affordable or workforce rents, and the duration of time those rents must be provided.
    - Monitoring criteria and provisions/penalties for non-compliance.
- Grant is awarded following demonstrated performance and compliance to Community Development with the following schedule: permit fee grant following full occupancy and CO of the project; and, tax equivalent grant, one year following the full occupancy and CO of the project.

<u>Reporting:</u>

- Any project receiving an incentive related to provision of affordable or workforce housing must provide:
    - An annual report to the City, providing both a complete rent roll and income and household size of income qualified tenant, and unit number correlated to rent roll, establishing compliance with the LUIG requirements.

- The City of Asheville may, upon 10 days written notice, inspect the rent roll and household income verification records.
- If the project is out of compliance, it will have 30 days to become in compliance.
- If the project is not in compliance within that time frame, then the Land Use Incentive Grant agreement will become null and void and all prior grant funds must be returned to the City.

For more information, contact:

Sam Powers, Director
Community and Economic Development Department
828-254-5433, spowers@ashevillenc.gov

RESOLUTION NO. 18- 241

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE MOUNTAIN COMMUNITY CAPITAL FUND AND TECHNICAL ASSISTANCE PROGRAM ALLOCATION OF SERVICES AND DUTIES AGREEMENT AND RELEASE FUNDS FOR THE ASSOCIATED DEPOSIT NOTE

WHEREAS, the City of Asheville has authority to expend funds for community development programs and related activities pursuant to North Carolina General Statute 160A-456 Community Development Programs and Activities; and

WHEREAS, as part of Asheville City Council's Strategic Operating Plan/Vision 2036 in the Thriving Local Economy focus area, City Council adopted a goal to develop and implement a Buncombe Community Capital loan program with an emphasis on small and minority-owned businesses; and

WHEREAS, the City of Asheville has partnered with Buncombe County City, Mountain BizWorks, Self Help Ventures Fund, and the Carolina Small Business Development Center to design a program to help small and minority-owned businesses gain access to funds to start or grow a business; and

WHEREAS, the City of Asheville and its partners worked with Trade Street Advisors, LLC, a financial services advisory group, to design the Mountain Community Capital Fund and Technical Assistance Program, including the program's governance and reporting requirements, legal documents, roles and responsibilities, and key services, as summarized in the Allocation of Services and Duties Agreement.;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the Mountain Community Capital Fund and Technical Assistance Program Allocation of Services and Duties Agreement and to release budgeted funds for the Deposit Note as a 0% forgivable loan to Self Help in the amount of $250,000 to provide additional collateral for loans to small businesses as part of the program, which will enable the participating lenders to make loans that they would otherwise not have made.

Read, approved and adopted this the 11th day of September, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-242

RESOLUTION TO ADOPT CITY COUNCIL'S UPDATED 2036 VISION AND 2018 - 2019 STRATEGIC PRIORITIES

WHEREAS, the Asheville City Council recognizes the importance of strategic leadership in achieving the mission of the City of Asheville; and

WHEREAS, achieving our mission of creating a sustainable, quality of life community requires vision, goal setting, and strategic priorities; and

WHEREAS, the City Council met in February 2018 in a strategic planning retreat; and

WHEREAS, the City Council received input from each member, discussed the alternatives and established strategic priorities;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

Amends its 2036 Vision to ensure that Asheville is a city that is:

- An Equitable and Diverse Community
- A Well-Planned and Livable Community
- A Clean and Healthy Environment
- Quality Affordable Housing
- Transportation and Accessibility
- Thriving Local Economy
- Connected and Engaged Community
- A Financially Resilient City

BE IT FURTHER RESOLVED THAT:

The City Council adopts the Strategic Priorities as described in Exhibit "A" for Fiscal Year 2018-2019.

Read, approved and adopted this 11th day of September 2018.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

An Equitable and Diverse Community				
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 1: Adopt and implement an equity program driven by a comprehensive strategic plan that will ensure direction, goals, and capacity	-Strategic plan should guide other goals for this strategic target. -Work with community should include coordination with Council. -Need to have appropriate structure and staffing for the effort. -Ensure that there is a cohesive interdepartmental effort.	Dawa Hitch, Kimberlee Archie	Governance/ Boards and Commissions	Allocate funding for a program manager and GARE association costs and services.
				Benchmark Human Relations Commissions, review potential tasks for inclusion, submit for consideration via Boards and Commissions Committee
				Hire Program Manager
				Complete the Disparity Study
				Design a program that fits Asheville's unique neighborhood demographics and character based on benchmarking other communities. Build upon equitable development strategy completed in 2015 and other previous initiatives.
				Include accomplishments in financial quarterly reporting
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 2: Expand the role of Parks and Recreation in fostering racial equity and closing the achievement through its programming, facilities, staffing, operations and partnerships (align this goal with the equiy strategic plan as needed).	Parks and Recreation departments play an important role in maximizing equitable access to recreation and leisure services across the city. Success will depend on full engagement of the community and decision-makers in articulating the vision for Parks & Recreation programs and services.	Cathy Ball, Roderick Simmons, Kimberlee Archie	Parks and Recreation Board/ PED or HCD	Evaluate existing programs and services.
				Develop outcomes for existing programs with a focus on intercity traditionally underserved community.
				Identify gaps on programs based on community surveys and feedback.
				Develop framework (costs) for potential new programs.
				Bring forward to Council as part of the FY 2020 budget for Council consideration.
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 3: Explore new and expanded partnerships to support Asheville City Schools and programs that close the achievement gap (align this goal with the equity strategic plan as needed).	Research indicates that quality after school programs can have a positive impact on closing achievement gaps. City Council values the use of partnership strategies in creating a community where all people can realize their full potential.	Barbara Whitehorn/ Jaime Matthews	Finance	Report on current city funding and resources dedicated to programs that support achievement in Asheville City Schools
				Convene stakeholder group to discuss options for partnership agreement moving forward.
				Continue support for programs and initiatives to reduce the achievement gap through consideration during the budget process
				Provide benchmarking to Finance Committee for development of a multiyear funding strategy
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 4: In partnership w/others, participate in community dialogue and potential strategies to honor history and contributions of the African American community in Asheville, beginning with a community led effort to install a monument to African American heritage (align this goal with the equity strategic plan as needed).	African-American heritage is an important aspect of the history and culture of Asheville. To ensure the success of honoring that heritage and meeting community expectations, the best way for the City of Asheville to engage is in a support role.	Roderick Simmons/ Jaime Matthews	Governance	Continue facilitation and support of the African American Heritage Commission
				Status report from Commission to Council Governance Committee
				Continue support of planning for an African American Heritage monument; consider CIP Allocation.
				Update from Commission on program planning to Council Governance Committee.

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 5: Develop and implement a strategy based on the National League of Cities report to foster economic mobility on the City of Asheville	⍰ Look at report and recommendations from NLC economic mobility study ⍰ Analyze what the City is already doing, not doing, or could do better ⍰ Work with Annie E. Casey Foundation and the southeastern region ⍰ Integrate with goals and efforts of the equity strategic plan ⍰ After analysis, if we want to do more in "X" area, determine where/how to handle ⍰ Look at cross- departmental implications when determining strategies	Sam Powers	PED	Develop a definition of economic mobilty Review the National League of Cities recommend action steps and determine what we are already doing. Document Review City Speak Action steps for Opportunity Zones. Casey foundation - Southern Cities and Economic Inclusion , look at recommendations Attend GARE and Southern CIties Meeting Devolop list of items that we are not doing but should be doing and ask to be included in the Equity and Inclusion Stragetic Plan

A Well Planned and Livable Community

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 6: Operationalize the Comprehensive Plan based on the adopted implementation strategy, to include annual review and goal setting.	The purpose of the Comprehensive Plan is to set forth goals and policies for sustainable growth and development over the next 10-20 years and beyond. The plan will establish a vision for Asheville and include policy guidance, reflecting the community's vision for the location and form of future development, while ensuring sufficient infrastructure, parks, and other community services.	Todd Okolichany/ Stacy Merton	Planning and Zoning/PED	Kick-off project
				Form and appoint Advisory Group
				Launch Open City Hall website and smart phone app
				Hold public workshop #1
				Hold public workshop #2
				Hold public workshop #3
				Report to Planning and Zoning and PED
				Adopt Final Comprehensive Plan
				Establish a bi-annual review to revisit and evaluate the Comprehensive Plan to evaluate progress, identify opportunities, assess workload, and to identify changes in the community that may be related to the plan
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 7: Develop a plan for Haywood Street land use and implement as appropriate	Council has directed staff to develop a community vision for the use of the city-owned property engaging stakeholders and the broad community. Council has entered into an agreement with the Asheville Design Center to facilitate a community visioning process. The development of a plan will ensure that staff and Council are clear on how the visioning process will occur and what will happen once the visioning process is complete.	Todd Okolichany	PED	Council enters into agreement with ADC to facilitate community visioning process for Haywood Street property
				Conduct public engagement processes
				Share results of community vision effort with Council for direction
				If directed by Council, solicit site plan and cost estimate for Haywood Street Land Use through a design competition or other process based on this community criteria
				Plans vetted by Advisory Team for consideration and recommendation
				Share summary considerations with Council for direction and funding of selected plan
				Based on Council direction to move forward with a specific plan
				Seek community partnerships to fund the project
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 8: Complete the Downtown Master Plan Update	The downtown master plan needs to be updated to include recent community concerns about management of public spaces, enhancement of community character and neighborhoods, and expanded options for place-making considered at a range of scales from the entire downtown to the neighborhood level. This process will culminate with an update to the design guidelines, which include character-defining items based on the neighborhood scale and reflected in the processes for development review.	Todd Okolichany/ Alan Glines	Downtown Commission/PED	Convene downtown commission as a major stakeholder and review process, timeline, and major steps
				Request funding in the FY2017 budget process for consultant fees for specific tasks related to the project.
				Meet with community stakeholders, neighborhoods, and organizations for a listening tour and provide web-based outreach on City's website and Open City Hall
				Organize a community-wide meeting to review major themes of the Downtown Master Plan and solicit community feedback on other review themes that have been identified for updates
				Staff to create and present a summary report to the downtown commission for comment and clarification. Formulate draft plan based on this feedback.
				Hold feedback meeting to present results to community, inviting stakeholders through outreach and communication effort
				Finalize the draft master plan update and streetscape sections and present to Planning Commission, PED and Council for adoption
				Present draft guidelines to Downtown Commission for recommendation and Council for adoption
				Establish a bi-annual review to revisit and evaluate the Master Plan to evaluate progress, identify opportunities, assess workload, and to identify changes in the community that may be related to the plan

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 9: Develop the South Slope Extension Innovation District		Todd Okolichany/ Sasha Vrtunski	PED	Budget for either new staff member or consultant work
				Present scope to Council for concurrence
				Conduct listening tour for stakeholders/partners
				Conduct community visioning meeting
				Acquire Council feedback through committee and begin to secure funding, including any budget discussion
				Finalize Plan, hold final public meeting
				Present plan and implementation concepts to Council for approval
				Council adopts budget
				Begin plan implementation
				Establish a bi-annual review to revisit and evaluate the Master Plan to evaluate progress, identify opportunities, assess workload, and to identify changes in the community that may be related to the plan

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 10: Develop the North Charlotte Street Innovation District		Todd Okolichany/ Stephanie Monson Dahl	PED	Develop scope for North Charlotte Street Innovation District and evaluate prioritization in Planning Department Calendar.
				Provide Update to PED and Council when appropriate.

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 11: Develop and implement a strategy that will result in more consistent regulations regarding zoning and development between the City and County and other adjacent municipalities	75% of the people who work in Asheville, live in the County and adjacent municipalities, city cannot annex, no ETJ, recognize role as a community partner and the impacts that effect the entire region, PLanning on a regional level is increasing.	Todd Okolichany, Ben Woody	PED	Meet with the County and adjacent mulicipality's planning staff to understand future growth patterns.
				Identify impacts of future growth in the County and adjacent municipalities such as traffic, utilities, stormwater, transit and environmental issues.
				Coordinate with Land of Sky COG and the Metropolitian Planning Organization to coordate growth impacts.
				Develop a report on the findings of the growth study and best practices. Identify a model for a formal partnership to provide on-going communication and infomarion sharing.
				Create a formal partnership with County and other municipalities to share information and best practices included recommended consistencies in ordinances.

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 12: Identify reasons for and reduce police turnover and enhance minority and local recruitment		Chief Hooper, Peggy Rowe	Public Safety Committee	

A Clean and Healthy Environment

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 13: Update the Sustainability Master Plan with emphasis on areas that the City needs to make progress	The Sustainability Master Plan includes goals and sub-plans such as the Carbon Reduction Plan, Zero Waste Plan, Clean Energy Plan, and Food Action Plan. It may include other areas such as storm water, climate resiliency, the tree commission, and the urban forest, etc. Currently several of the Sustainability Master Plan elements are listed as separate Council goals, but should be grouped more effectively as sub-goals under Goal 13. There should be a cohesive interdepartmental effort on this goal.	Cathy Ball/ Amber Weaver	SACEE/PED	

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 13a: Implement Zero Waste Asheville	Acquiring property on which to locate and expand landfills becomes increasingly challenging as property values increase. The City wishes to reduce the amount of refuse that is disposed of in landfills and increase materials that are recycled and composted. These measures are important not only in promoting good land-use, but in improving environmental sustainability within our community.	Cathy Ball/ Amber Weaver	SACEE/PED	Design and recommend elements of a Solid Waste Master Plan Prepare revised action plan and timeline for review and approval by City Council.

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 13b: Meet the Goals of Carbon Reduction Plan	The City of Asheville wishes to set the standard in environment carbon reduction. We have been extremely successful in implementing reduction in carbon emission by using biofuels, LED street lights, HVAC replacements in City buildings and alternative fuel sources. Council developed a goal of 2% carbon reduction in 2008 then increased it to 4% in 2011. The City has achieved this goal every year and it may be appropriate to evaluate our current status and future opportunities to update and achieve our future goals. The City implemented a green Capital Improvement Program to reinvest in green infrastructure to meet this goal.	Cathy Ball/ Amber Weaver	SACEE/PED	Evaluate the Sustainability Plan to assess the annual carbon reduction goal, strategies, fiscal impacts, and relevant technologies every 3 years Continue to identify opportunities to achieve carbon reduction and continues annual reporting to council

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 13c: Implement the Clean Energy framework and support the partnership with Duke Energy and Buncombe County to reduce energy demand through promotion and implementation of new programs as appropriate	The community has worked to develop a Clean Energy Framework to reduce dependence on fossil fuels. In addition, Duke Progress Energy has committed to implementing a modernization plan that will eliminate the coal burning plant and replace it with a natural gas facility. They have agreed to a partnership with the City of Asheville and Buncombe County to reduce energy use in order to delay or avoid construction of a thrid plant in 2023. The parnership will work with the Rocky Mountain Institute and other government and nonprofit experts to develop an implement a plan to reach that goal.	Cathy Ball	SACEE/PED	Implement a Asheville Workplace Challenge, piloting the program in the City Innovation Districts Make presentation to Finance Committee Support the Energy Innovation Task Force: Adoption of Resolution to City Council; Convene Task Force; Attend Rocky Mountain Institute for initial training; Support Energy Innovation Task Force Implement elements of the Clean Energy Framework and the partnership plan as appropriate and supported by budget allocations.

Quality Affordable Housing				
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 14: Implement the Comprehensive Housing Affordability Strategy	The 2015 Housing Needs Assessment completed by Bowen National Research identified a 5,000 unit need over the next 5 years in order to meet housing demand. Securing housing for all citizens has long-term impacts on the safety, health, and vibrancy of our community.	Sam Powers	Affordable Housing Advisory Committee/HCD	Continue to utilize entitlement funds and housing trust funds designated for affordable housing
				Hold work session with Council to present current status
				Go to HCD committee with recommended action plans based on feedback from council work session
				Host Annual Housing Summit
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 15: Continue to analyze city owned land and establish a strategy for sale of lease of affordable housing	Municipal asset management is critical to meeting the future needs of our community. The Housing Needs Assessment shows a significant deficit in the supply of affordable housing in Asheville. Analyzing the inventory of City-owned real property and establishing a strategy to utilize land for affordable housing in conjunction with other municipal needs so to provide a vision and a framework for effective decision-making and land use. Include the redevelopment of the Parks maintenance property.	Jade Dundas/ Nikki Reid	Finance	Update and improve the existing city owned property database
				Council consideration to adopt or monitor the implementation of the plan and / or specific recommendations regarding short-term and long-term opportunities for affordable housing development.
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 16: Develop a partnership with the County to achieve greater levels of affordable housing	Common goals exist within the City government and County government to increase the supply of affordable housing. The City can leverage existing partnership through the existing HOME Consortium and other regional partnerships to achieve goals.	Cathy Ball/ Sam Powers	HCD	Continue existing partnerships through the HOME Consortium, the Homelessness Initiative Advisory Committee, and joint Housing Summits
				Propose a joint meeting with the Asheville City Council and Buncombe County Commissioners to discuss opportunities to partner on affordable housing goals
				Implement ongoing meetings as required for collaboration

Transportation and Accessibility

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 17: Continue to implement the transit master plan, to include an analysis of opportunities to expand transit into the County.	Seamless access to public transportation is necessary to ensure that citizens have access to jobs, medical care, education and other community based services. Increased use of public transit will reduce carbon emissions, resulting in less pollution and decreased opeRationale costs. Success, however, is dependent on changing culture or mindset so that individuals make transit a natural part of the daily commute.	Ken Putnam	Transit Commission, Multimodal Commission/PED	Fund the update to the Transit Master Plan. (In current budget)
				Update the existing Transit Master Plan: Award contract; Begin update of the transit master plan to include data analysis and public engagement; Complete master plan update
				Make recommendation for increased funding for transit as part of the 2016-17 Budget
				Evaluate priorities in the current master plan that could potentially be funded; Present priorities to Transit Committee; Present priorities to MultiModal Transportation Committee
				Implement priorities based on funding in FY 2017 budget
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 18: Take appropriate steps ro implement the mutlimodal transportation plan (AIM), including exploration of implementation of "Vision Zero" in Asheville	The implementation of the Asheville in Motion (AIM) plan is key to address mobility needs, providing transportation options to all citizens. The AIM plan develops strategies to create a connected network that will provide safe and convenient access to jobs, health, education and recreational opportunities.	Ken Putnam	Multimodal Commission/PED	Adopt the AIM plan; Present to MultiModal Commission; Present to PED; Present to Council for adoption
				Incorporate the recommendations of the AIM plan in the City's Comprehensive Plan update
				Develop a project implementation strategy; Create a priority list for projects and costs; Initiate dialogue with NCDOT; Identify partners and funding opportunities
				Incorporate project strategy in the FY 2018 CIP; Present the prioritized list of projects and costs to the Greenway and Transit Committees; Present prioritized list of projects and costs to the MMTC; Engage the public (if needed); Present prioritized list of projects and costs to PED; Consider bond referendum for funding
				Incorporate policy strategy in the UDO (if needed); Work with the Planning and Urban Design Department to draft regulations; Create a public engagement plan; Present to PED and other commissions (if needed); Present to Planning and Zoning commission; Present to Council for adoption
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 19: Complete the appropriate phases of TIGER VI, including the RADTIP	The TIGER VI program of work is the City's first transportation project that incorporates sidewalks, greenways and bike facilities to create a comprehensive, active transportation network. This network will connect people to jobs, recreation and educational opportuni-ties. Significant public resources have been invested in the TIGER VI projects and there is an expectation in the community and with funding partners to be timely in the completion of the project. Completion of a project of this scale reflects the City's ability to success-fully manage a multi-million dollar transportation project.	Cathy Ball/ Stephanie Monson Dahl	Riverfront Redevelopment Commission/PED	Engage in a public outreach meeting for final plans
				Collect input and develop a communication plan for the construction phase
				Request bids for construction; Hold a public kick-off meeting for construction phase; Outline expectations for long-term community engagement plans
				Transition management of the leadership roundtable to the City
				Communicate the prioritization of the construction phasing for RADTIP and other TIGER VI projects
				Begin construction on project (construction will continue through FY2020); Reevaluate need for external funding opportunities; Provide regular updates to Council Committees
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 20: Continue to work toward achieving City goals on I-26	Since the I-26 Connector project is a major transportation project that will go through the core of the city, it is important that the project be designed and constructed in a manner to minimize negative impacts to the adjacent neighboring communities.	Ken Putnam		Review the Draft Environmental Impact Statement (DEIS); Attend public hearing; Identify City goals regarding the project's impact; Prepare and submit comments to include the City's goals
				Attend and participate in the DEIS post-hearing meeting along with all other NCDOT meetings regarding I-26; Provide status reports
				Create a collaborative working group with NCDOT to help achieve City goals regarding I-26
				Provide quarterly updates to City Council on the progress of the I-26 project

				Prepare an itemized list of City goals and provide a cost sharing arrangement between the City and NCDOT

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 21: Develop and implement Buncombe Community Capital loan program, with an emphasis on minority business	A variety of economic tools is critical in building the ladder of social and economic mobility and sustainability of our community. There is a perceived gap in the existing business and service provider network regarding access to capital for small and minority business. The City can support a strong public-private partnership to help diversify our business ownership by participating in this initiative.	Barbara Whitehorn	Finance	Budget funding of seed capital
				Secure funging partnerships from Buncombe County and promenate lending institutions
				Approve resolution to create a steering committee with other partners to explore and clarify roles and responsibility
				Steering committee report and recommendations to City Council.

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 22: Research and recommend a portfolio of options for small business and minority owned business support.	A diverse and healthy economy includes support for small, local, homegrown businesses. The city can play a part in improving the local economy by developing a toolbox of support for small businesses. We want to continue to be a community where businesses can grow and expand.	Sam Powers/ Todd Okolichany	PED/Finance	Enhance the toolbox to support small and minority owned businesses that the city and community currently offer.
				• Expand Minority Business Program outreach, including partnerships for workshops and training.
				• Launch Asheville App for Business using the Start Up In A Day grant funding.
				• Produce a Development Service Guide for restaurant plans and permits
				• Implement a pilot program for business retention
				• Continue to invest in partnerships with economic development and workforce training programs
				Continue to update and evaluate efforts and report to Council's Planning and Economic Development Committee

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 23: Evaluate new and renewing external contracts for the opportunity to bring work in-house				

Connected and Engaged Community				
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 24: Identify and implement strategies to get more diversity on city boards and commissions	Boards and commissions play an essential role in effective public engagement. As advisors to the City Council, diverse representation on these boards and commissions can maximize the community perspectives represented in policy development. Diverse boards and commission demonstrate the City's commitment to inclusion and diversity as a core value. Recognizing people have different preferences for receiving information will be key to achieving this goal.	Maggie Burleson	Boards and Commissions	Conduct focus groups with community groups to educate and inform about the roles and opportunities with boards and commission service. Identify barriers to participation and opportunities to further increase community awareness.
				Include training on the importance of diversity and inclusion as part of the training program for boards and commissions
				Track and report diversity in board representation. Review and revise the board/commission application form to include an optional section allowing applicants to report diversity indicators
				Staff will work with the City Clerk to report annually to the Council on the diversity of board and commission membership for the most current year and to highlight trends over the previous years and comparisons with demographic data
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 25: Develop a strategy to effectively vet policy initiatives through boards and commissions (i.e. clearinghouse, clarification of roles, orientation, charters, reporting)	The role of board and commission Members is to provide policy recommendations and to serve as community leaders and educators on city process and programs. Currently there are more than 30 boards and commissions and no standard process or procedure for vetting policy initiatives and determining when these bodies have achieved their mission. An effective process will provide clarity and consistency regarding when and how board and commissions provide policy recommendations. Contiue to advance the strategy and accountability and improve follow-up. Establish metrics to measure success. The boards and Commissions should cull through this goal to improve policy making as related to boards and ocmmisions, including staff role (i.e. make pathway clearer, communication)	Maggie Burleson	Boards and Commissions, Governance	Develop process for policy initiatives and report to Boards and Commissions and Governance Committees
				Include the process of vetting policy in the boards and commissions training
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 26: Develop an effective working relationship with NCDOT so that state transportation investments reflect local values and transportation plans.	The citizens of Asheville would benefit from a better-coordinated effort to reflect both the City's and NCDOT priorities. Elements of this would include collaboration on the priority of major projects.	Ken Putnam	MPO	Continue meeting with staff and Division 13 staff on a monthly basis to coordinate transportation projects
				Initiate contact with appropriate NCDOT staff based in Raleigh and meet on a periodic basis in order to build relationships and communicate priorities
				Participate in the MPO process

Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 27: Identify and expand opportunities for partnership with Buncombe County, to include energy, transportation, affordable housing, greenway extension, solid waste, parks and recreation, land use planning, and other amenities. Additionally, identify, address, and formalize cooperative agreements with the County to ensure that they are balanced.	Opportunities exist to optimize assets, resources, services, and responsibilities to provide mutual benefit for both the city and county governments and for residents and businesses. Where regional mission and goals align for both the City and County, we should maximize available resources to provide enhanced service delivery through the coordination of projects, expertise, funding, and assets. In 2015, the City Council and County Commission began again to have annual joint meetings. The County Manager and City Manager will continue to meet together regularly to maximize communication and collaboration, however, further focused collaboration is possible.	Executive Team	Governance	Continue regular meetings between Mayor and County Chairman, County Manager and City Manager, and continue meetings between the organizations.
				Reproduce and update the list of partnerships and collaborative efforts between County and City.
				Report to Governance Committee for direction
				Reestablish regular meetings between city and county elected and appointed representatives to work on identified focus areas; a) Develop action plans and assign resources; b) Implement action plans
				Convene City/County local elected officials; Schedule annual meetings (next one is August 2016); Report results and action plans; Identify additional areas of focus for County and City collaboration
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 28: Support the development and implementation of a more effective Council state legislative agenda	Because the State of North Carolina operates under Dillon's Rule, the city's relationship with the State Legislature is critical for long-term success. An additional effort to develop a more effective Council state legislative agenda, including broad policy themes and related action items, will enable the city's lobbyist to guide the City's representation in Raleigh. Additionally, ensure partnerships with other progressive cities to promote the urban agenda.	Robin Currin	Governance	Determine the respective roles of the Governance Committee, City Council and staff in developing the legislative agenda and managing relationships with Legislators
				Facilitate meetings and events with delegates and create a mechanism for regular and open communication with local and other members of the Legislature
				Develop an internal process to evaluate the issues that should be brought before the State Legislature. This process should consider the political climate in Raleigh and allow for the evaluation of local, advocacy-oriented issues as well as state-wide issues affecting Asheville
				Review issues identified by the City's lobbyist to inform the nature of the City's legislative agenda. Develop an agenda and policy principles that align with the City Council's adopted vision.
				Develop strategies for advocacy on individual issues, including identifying issue partner organizations
				Evaluate results and revise for the next session as required
Goal	**Rationale and Considerations**	**Staff**	**Board/Committee**	**Key Tasks/Activities**
Goal 29: Develop and implement a strategy to further awareness of the vision and the success that the City is experiencing		Dawa Hitch	Governance	

A Financially Resilient City

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 30: Identify and evaluate all community agreements including leased properties and develop a system to monitor those agreements	Agreements with our various partners (community, neighborhood, not-for profit, for-profit and other governmental agencies) that deliver programs and services is an important component in leveraging limited resources. The City and its partners would benefit from an enhanced process that enables effective business decisions regarding shared delivery of services. The process through which leases are developed and managed is an example of an opportunity for enhanced management and decisions. Through an enhanced process at the beginning or renewal of partnerships, the City will maximize their effectiveness.	Barbara Whitehorn	Finance, Governance	Conduct and evaluate inventory
				Hire grants and partnership specialist position
				Quarterly updates to the Governance Committee
				Update Council annually through the budget process and budget document

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 31: Examine new revenue streams and make recommendations regarding viability; Develop dedicated revenue stream for multimodal infrastructure; Evaluate application of annual municipal motor vehicle fee; Develop a plan to enhance funding from TDA; Leverage private partnerships; Food and beverage	Diversification of revenue streams creates economic resilience for our community and its residents. Due to state statutes and economic conditions outside municipal control, revenue streams are constricted and the City faces uncertainty. Examining and developing additional revenue streams will enable flexibility in long term financial planning and sustainability. The City should assess both restricted and unrestricted potential revenue streams in order to stabilize funding of identified core services.	Barbara Whitehorn	Finance	Establish an internal team that will evaluate existing and proposed legislation affecting revenue and consider options and potential impacts
				Establish an Ad-Hoc Community Committee (appointed by Council with staff liaisons) made of community members to evaluate potential revenue streams, opportunities to leverage private partnerships and make recommendations to Council
				Present Ad Hoc Committee recommendations to Council
				Acquire Council direction on recommendations
				Develop Ad-Hoc community based work group (with staff liaisons) to explore community support for specific revenue streams and further action
				Present Ad Hoc Working Group recommendations to Council
				Acquire Council direction on recommendations
				Implement as appropriate

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 32: Develop a financing program for updating, maintaining, and fixing all City property and infrastructure; Analysis of deferred maintenance; Update infrastructure plans	The condition of the City's infrastructure and physical assets is a critical component in attracting and retaining residents and businesses and they contribute to a high quality of life. Varying priorities, along with challenging financial and economic conditions, have resulted in significant maintenance needs being deferred, which has adversely impacted the city's physical assets and infrastructure. The costs associated with addressing deferred maintenance in lieu of a preventative maintenance program are significantly higher. This work should be coordinated with Council Priority 15 (Analysis of City Owned Property.) The broader coordinated process should include: 1.) Facility Inventory and Assessment, 2.) Facility Master Plan, 3.) Real Estate Inventory, and 4.) Real Estate Master Plan.	James Ayers	Finance, Governance	Develop Facility Inventory in coordination with Real Estate Inventory
				Procure and commence Facility Condition Assessments for Major Facilities plus Diagnostic Study
				Complete Facility Condition Assessments including Database of Facility Conditions and Capital Planning Tool for Current & Future Capital Maintenance Needs and Cost Projections
				Investigate and evaluate funding mechanisms ranging from the potential for a bond referendum to performance contracting; consider implemention of a capital reserve/sinking fund
				Develop Facility Master Plan in coordination with Real Estate Master Plan; Present Plan to Committee for discussion/review; if recommended, then present to Council for review and possible approval
				Present analysis of capital maintenance needs & cost projections and recommendations for financing program & funding mechanisms to Council for discussion and action

Goal	Rationale and Considerations	Staff	Board/Committee	Key Tasks/Activities
Goal 33: Integrate multi-year operational financial plan into budget process		Barbara Whitehorn	Finance, Governance	

RESOLUTION NO. 18-243

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCGUIRE, WOOD & BISSETTE FOR LEGAL SERVICES AT AN HOURLY RATE, WITH CONTRACT NOT TO EXCEED $200,000

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City Attorney, Deputy City Attorney and Assistant City Attorney have submitted their resignations;and

WHEREAS, Sabrina Rockoff with McGuire, Wood & Bissette, has served as counsel for the City for several years; and

WHEREAS, the amount of the contract is $200,000 and the monies will come from salary savings from the vacancies in the City Attorney's Office;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign a contract with McGuire Wood & Bissette for legal services at an hourly rate, with contract not to exceed $200,000.

Read, approved and adopted this the 11th day of September 2018.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 18-244

RESOLUTION APPOINTING SABRINA ROCKOFF AS INTERIM CITY ATTORNEY

WHEREAS, pursuant to N. C. Gen. Stat. sec. 160A-173, the City is required to have a city attorney to be its legal adviser;

WHEREAS, current City Attorney Robin Currin has resigned, effective September 27, 2018; and

WHEREAS, with the resignation of Ms. Currin, the City is in need of an interim City Attorney until her position is filled; and

WHEREAS, Sabrina Rockoff, with McGuire, Wood & Bissette, has agreed to maintain office hours in City Hall and serve as the Interim City Attorney until a new City Attorney is hired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Sabrina Rockoff be and she is hereby appointed to the position as Interim City Attorney for the City of Asheville, effective 5:00 p.m. on September 27, 2018, until such time as the new City Attorney has been appointed; said appointment to be at the pleasure of the City Council and subject to all applicable law.

Read, approved and adopted this 11th day of September, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION 18-245

RESOLUTION ADOPTING THE BOND ORDER AUTHORIZING THE ISSUANCE OF WATER SYSTEM REVENUE BOND ANTICIPATION NOTE OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the *"Act"*), to issue, subject to the approval of the Local Government Commission of North Carolina (the *"LGC"*), at one time or from time to time revenue bond anticipation notes of the City for the purposes as specified in the Act; and

WHEREAS, the City Council (the *"City Council"*) of the City has determined that it is desirable to finance the costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the water system owned by the City (the *"Water System"*), primarily the North Fork Dam improvement project (collectively, the *"Projects"*);

WHEREAS, the City Council has determined to issue the City's Water System Revenue Bond Anticipation Note, Series 2018 (the *"Bond Anticipation Note"*) in an aggregate principal amount not to exceed $40,000,000 under a General Trust Indenture dated as of December 1, 2005 between the City and The Bank of New York Trust Company, N.A., now known as The Bank of New York Mellon Trust Company, N.A., as trustee, (the *"Trustee"*) (the *"General Indenture"*) and Series Indenture, Number 4 to be dated on or about October 1, 2018 (the *"Series Indenture"*) between the City and the Trustee, to pay the costs of the Projects;

WHEREAS, the City and the LGC have arranged for Bank of America, National Association (the *"Purchaser"*) to purchase the Bond Anticipation Note and advance the funds to finance the Projects under the terms of a Note Purchase and Advance Agreement to be dated on or about October 10, 2018 (the *"Purchase Agreement"*); and

WHEREAS, an application has been filed with the LGC requesting approval of the Bond Anticipation Note as required by the Act.

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA AS FOLLOWS:

Section 1. The Bond Anticipation Note is authorized and will be issued pursuant to and under the Act and this bond order (this *"Bond Order"*) in order to raise the money required to finance the Projects, in addition to any funds which may be made available for such purpose from any other source.

Section 2. The aggregate principal amount of the Bond Anticipation Note authorized by this Bond Order will not exceed $40,000,000. The Bond Anticipation Note hereby authorized will be a special obligation of the City, secured by and paid solely from the proceeds thereof or from revenues, income, receipts and other money received or accrued by or on behalf of the City from or in connection with the operation of the City's Water System. The principal of, premium, if any, and interest on the Bond Anticipation Note will not be payable from the general funds of the City, nor will they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the

principal of, premium, if any, or interest on the Bond Anticipation Note, and no holder of the Bond Anticipation Note has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 3. The form and content of the Bond Anticipation Note and the provisions of the Series Indenture and the Purchase Agreement with respect to the Bond Anticipation Note (including without limitation the maturities and rate setting mechanisms) will be approved and confirmed in a separate resolution of the City Council.

Section 4. The Bond Anticipation Note will be purchased by the Purchaser under the terms of the Purchase Agreement and the proceeds from the sale of the Bond Anticipation Note will be deposited in accordance with the Series Indenture.

Section 5. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or is for any reason whatsoever held invalid, then such covenants, agreements or provisions are null and void and deemed separable from the remaining agreements and provisions and in no way affect the validity of any of the other agreements and provisions hereof or of the Bond Anticipation Note authorized hereunder.

Section 6. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 7. This Bond Order will take effect immediately on its adoption and pursuant to §159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the City Council other than the procedures set out in the Act.

Read, approved and adopted this 25th day of September, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION 18-246

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, FOR THE APPROVAL, EXECUTION AND DELIVERY OF A WATER SYSTEM REVENUE BOND ANTICIPATION NOTE AND CERTAIN RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the *"Act"*), to issue, subject to the approval of the Local Government Commission of North Carolina (the *"LGC"*), at one time or from time to time revenue bond anticipation notes of the City for the purposes as specified in the Act; and

WHEREAS, the City Council (the *"City Council"*) of the City has determined that it is desirable to finance the costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the water system owned by the City (the *"Water System"*), primarily the North Fork Dam improvement project (collectively, the *"Projects"*);

WHEREAS, the City Council has determined to issue the City's Water System Revenue Bond Anticipation Note, Series 2018 (the *"Bond Anticipation Note"*) in an aggregate principal amount not to exceed $40,000,000 under a General Trust Indenture dated as of December 1, 2005 between the City and The Bank of New York Trust Company, N.A., now known as The Bank of New York Mellon Trust Company, N.A., as trustee, (the *"Trustee"*) (the *"General Indenture"*) and Series Indenture, Number 4 to be dated on or about October 1, 2018 (the *"Series Indenture"*) between the City and the Trustee, to pay the costs of the Projects;

WHEREAS, Bank of America, National Association (the *"Purchaser"*) will purchase the Bond Anticipation Note and provide the City with the funding for the Projects on a draw-down basis under the terms of the Series Indenture and a Note Purchase and Advance Agreement dated on or about October 10, 2018 (the *"Purchase Agreement"*) among the City, the Purchaser and the LGC;

WHEREAS, copies of the Series Indenture and the Purchase Agreement have been filed with the City and made available to the City Council;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. The issuance of the Bond Anticipation Note by the City in the principal amount not to exceed $40,000,000, in substantially the form and content set forth in the Series Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the General Indenture and the Series Indenture, is in all respects approved and confirmed. The form and content of the Bond Anticipation Note set forth in the Series Indenture are in all respects approved and confirmed. The provisions of the General Indenture and the Series Indenture with respect to the Bond Anticipation Note (including without limitation the maturities and rate setting mechanisms) are in all respects approved and confirmed and are incorporated herein by reference.

The Bond Anticipation Note will be issued by the City for the purpose of providing funds (1) to finance the costs of the Projects and (2) to pay the costs of issuing the Bond Anticipation Note, all as set out fully in the documents attached to the City's application to the LGC. The use of the proceeds of the

Bond Anticipation Note, as described, is necessary in order to meet the needs of the users of the Water System and to assure that the Water System remains in full compliance with all state and federal requirements for the provision of water services.

Section 2. The form and content of the Series Indenture and the exhibits thereto are in all respects approved and confirmed. The Mayor, the City Manager, the Chief Financial Officer, the City Clerk, including anyone serving as such in an interim capacity, and their respective designees (the *"Authorized Officers"*), are authorized, empowered and directed to execute and deliver the Series Indenture for and on behalf of the City, including necessary counterparts, in substantially the form and content made available to the City Council, but with such changes, modifications, additions or deletions therein as to them seem necessary, desirable or appropriate. Execution by the Authorized Officers of the Series Indenture will constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein from the form and content of the Series Indenture made available to the City Council. From and after the execution and delivery of the Series Indenture, the Authorized Officers, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Series Indenture as executed.

Section 3. The City has requested that the LGC sell the Bond Anticipation Note at private sale without advertisement through negotiation to the Purchaser pursuant to the terms of the Purchase Agreement but at an initial interest rate not exceeding 4% and thereafter at an interest rate to be set in accordance with the Purchase Agreement. The form and content of the Purchase Agreement are in all respects approved and confirmed. The Authorized Officers are hereby authorized, empowered and directed to execute and deliver the Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content made available to the City Council, but with such changes, modifications, additions or deletions therein as to them seem necessary, desirable or appropriate. Execution by the Authorized Officers of the Purchase Agreement will constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein from the form and content of the Purchase Agreement made available to the City Council. From and after the execution and delivery of the Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

Section 4. The Authorized Officers are hereby authorized to execute a no-arbitrage certificate in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

Section 5. No stipulation, obligation or agreement herein contained or contained in the Bond Anticipation Note, the General Indenture, the Series Indenture, the Purchase Agreement or any other instrument related to the issuance of the Bond Anticipation Note is deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee will be personally liable on the Bond Anticipation Note or be subject to personal liability or accountability by reason of the issuance thereof.

Section 6. The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by (a) this Resolution, (b) the General Indenture, (c) the Series Indenture and (d) the Purchase Agreement; except that the Authorized Officers are not authorized or empowered to do anything or execute any document which is in

contravention, in any way, of (1) the specific provisions of this Resolution, (2) the specific provisions of the General Indenture, (3) the specific provisions of the Series Indenture, (4) the specific provisions of the Purchase Agreement, (5) any agreement to which the City is bound, (6) any rule or regulation of the City or (7) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

Section 7. Any and all past acts and doings of the Authorized Officers that were in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the Bond Anticipation Note and the execution, delivery and performance of the Series Indenture and the Purchase Agreement are in all respects ratified, approved and confirmed. Any and all future acts and doings of the Authorized Officers that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the Bond Anticipation Note and the execution, delivery, performance and on-going administration of the Series Indenture and the Purchase Agreement are in all respects approved and confirmed. Any and all acts of the Authorized Officers may be done individually or collectively.

Section 8. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and will be deemed separable from the remaining agreements and provisions and in no way affect the validity of any of the other agreements and provisions hereof or of the Bond Anticipation Note authorized hereunder.

Section 9. All resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 10. This Resolution is effective on its adoption.

Read, approved and adopted this 25th day of September, 2018.

Magdalen Boulware
City Clerk

Esther E. Manheimer
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Boulware
City Clerk

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RESOLUTION NO. 18- 247

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL ON THE DATE OF SATURDAY, SEPTEMBER 29, 2018, FROM 11:00 AM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Blue Ridge Pride Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Blue Ridge Pride Festival event area, as set forth in Exhibit A, attached.

   The Blue Ridge Pride Festival event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for the Blue Ridge Pride Festival on Saturday, September 29, 2018 from 11:00 a.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are

not allowed anywhere in the Blue Ridge Pride Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Blue Ridge Pride Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Blue Ridge Pride Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of September, 2018.

Magdalen Bowleson
City Clerk

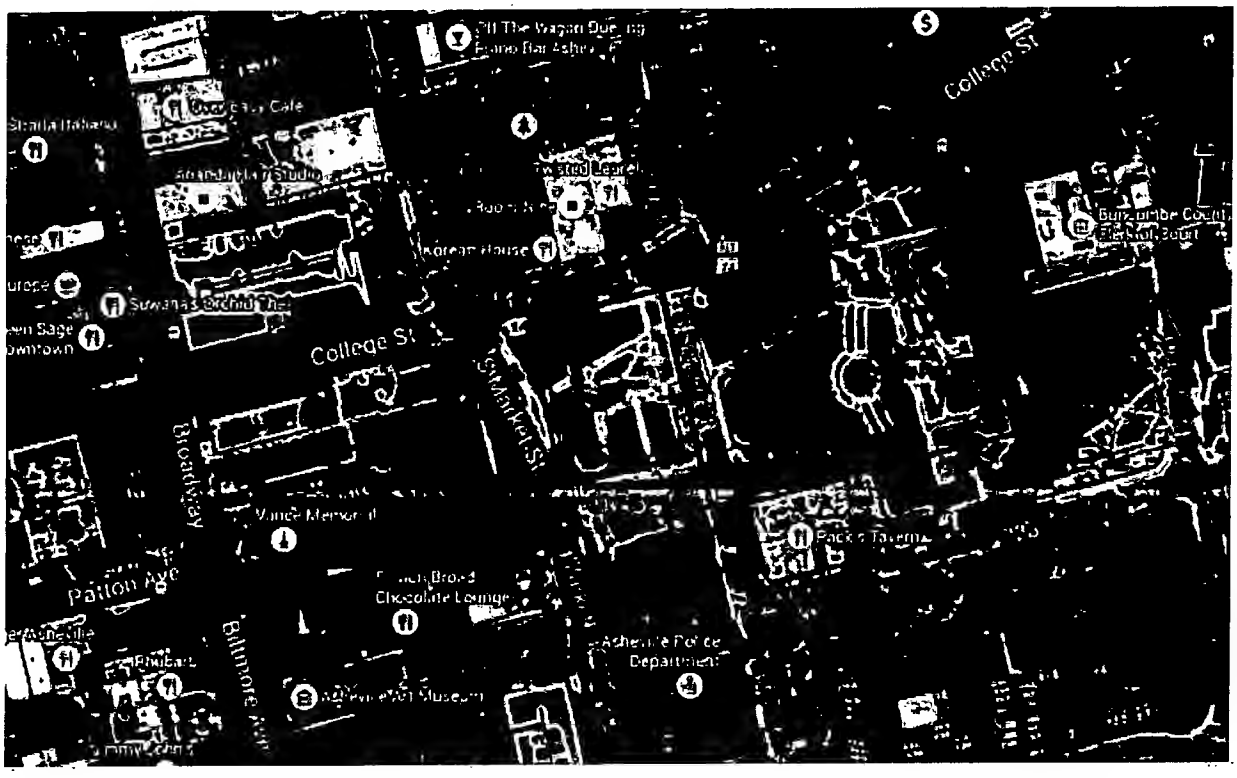
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 18- 248

RESOLUTION TO APPLY FOR THE FISCAL YEAR 2018-19 CONTINUUM OF CARE CONSOLIDATED GRANT APPLICATION AND ACCEPT ANY SUBSEQUENT AWARD FOR PROJECT FUNDING

WHEREAS, the U.S. Department of Housing and Urban Development will allocate Continuum of Care (CoC) funds to project applicants in the FY 2018 Competition; and

WHEREAS, the Asheville-Buncombe Continuum of Care, NC-501 has consistently received CoC funds; and

WHEREAS, the City of Asheville has agreed to serve as the CoC Collaborative Applicant for the NC-501 Continuum of Care Consolidated Application; and

WHEREAS, the U.S. Department of Housing and Urban Development has made the NC-501 Continuum of Care eligible for $1,254,274 in CoC funding for FY 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve the application for the Continuum of Care Consolidated Application and any subsequent award; and

2. Council authorizes the City Manager to sign all necessary contract documents with the US Department of Housing and Urban Development for the Continuum of Care Competition, after approval by the City Attorney.

Read, approved and adopted this 25th day of September, 2018.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18- 249

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN UNITED STATES GEOLOGICAL SURVEY APPLICATION TO NAME A CREEK IN WEST ASHEVILLE "ORCHARD CREEK"

WHEREAS, the City of Asheville believes that a transparent, well-researched and community driven process was performed by RiverLink in efforts to name this creek; and

WHEREAS, The City of Asheville has received a recommendation from the Council Planning & Economic Development Committee to support "Orchard Creek" as the name for this Rhododendron Branch tributary; and

WHEREAS, The City of Asheville recognizes that a local government official must sign the United States Geographic Survey (USGS) form in order for the community's efforts to be successful;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE NORTH CAROLINA THAT:

The City Council authorizes the City Manager to sign the USGS form certifying support for the naming of the creek in West Asheville that begins near Olney Rd. and flows south between Vance Crescent Ext. and Brevard Rd. (Hwy. 191) until it goes underneath Davenport St. and re-emerges to flow alongside Davenport St. before entering West Asheville Park where it joins Rhododendron Creek as "Orchard Creek".

Read, approved and adopted this 25th day of September, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18- 250

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN UNITED STATES GEOLOGICAL SURVEY APPLICATION TO NAME A CREEK NORTHEAST IN DOWNTOWN ASHEVILLE "GORDON'S BRANCH"

WHEREAS, the City of Asheville believes that a transparent, well-researched and community driven process was performed by RiverLink in efforts to name this creek; and

WHEREAS, The City of Asheville has received a recommendation from the Council Planning & Economic Development Committee to support "Gordon's Branch" as the name for this Rhododendron Branch tributary; and

WHEREAS, The City of Asheville recognizes that a local government official must sign the United States Geographic Survey (USGS) form in order for the community's efforts to be successful;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ASHEVILLE NORTH CAROLINA THAT:

The City Council authorizes the City Manager to sign the USGS form certifying support for the naming of the creek in northeast of downtown Asheville, NC near Town Mountain Rd. (NC-694) and flows west to Charlotte St., where it crosses and begins to flow northwest crossing Hillside St. and Annandale Ave. and then flows between Linden Ave. on the west and Murdock Ave. to the east before reaching Weaver Park where it joins Reed Creek as "Gordon's Branch".

Read, approved and adopted this 25th day of September, 2018.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 18-251

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has previously awarded the City of Asheville the amount of $47,335 to act as fiduciary for the Asheville High Intensity Drug Trafficking Area (HIDTA); and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has increased the previous award to the City of Asheville by the amount of $55,639.69 to a total of $102,974.69 to act as full fiduciary for the Asheville High Intensity Drug Trafficking Area (HIDTA);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept and enter into an agreement with the Executive Office of the President, Office of National Drug Control Policy in the amount of $102,974.690.

Read, approved, and adopted this 25th day of September, 2018

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18- 252

RESOLUTION ADOPTING THE BURTON STREET NEIGHBORHOOD PLAN.

WHEREAS, the Burton Street neighborhood is one of 10 communities being impacted by the proposed I-26 Connector project and has been classified by the North Carolina Department of Transportation (NCDOT) as an Environmental Justice population that has incurred reoccurring impacts; and

WHEREAS, the NCDOT initiated a community driven mitigation strategies and neighborhood plan (a.k.a. "Burton Street Neighborhood Plan") to address and remedy the anticipated impacts to the Burton Street community as a result of the I-26 Connector project; and

WHEREAS, the NCDOT retained Public Participation Partners in 2017 to prepare the Burton Street Neighborhood Plan and act as the liaison between the Burton Street community, NCDOT and City of Asheville; and

WHEREAS, the Burton Street Neighborhood Plan was prepared over an approximately 12-month long period in partnership with the Burton Street Community Association, Burton Street neighborhood and City of Asheville Planning and Urban Design Department; and

WHEREAS, the Burton Street Neighborhood Plan includes a list of recommended mitigation strategies related to the I-26 Connector project, as well as other neighborhood goals and strategies; and

WHEREAS, Sec. 7-3-2 of the city's Unified Development Ordinance authorizes the Asheville Planning and Zoning Commission to formulate and recommend to the Asheville City Council the adoption or amendment of a comprehensive plan and other plans, as necessary, for the city and its environs; and

WHEREAS, the Asheville Planning and Zoning Commission held a public meeting on September 5, 2018 and voted 7-0 to recommend adoption of the Burton Street Neighborhood Plan; and

WHEREAS, on September 25, 2018, the Asheville City Council reviewed the Burton Street Neighborhood Plan at a public hearing; and

WHEREAS, the Burton Street Neighborhood Plan aligns with the Living Asheville Comprehensive Plan and the 2036 Council Vision in the area of "A Well Planned and Livable Community", and its adoption aligns with with the City Council Strategic Plan Goal 23: Continue to work toward achieving goals on I-26, which includes minimizing impacts adjacent to neighboring communities; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Burton Street Neighborhood Plan is hereby adopted based upon the oral and written comments presented before and at the City Council hearing.

Read, approved and adopted this 25th day of September 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 18-253

RESOLUTION AUTHORIZING THE CITY MANAGER TO SELECT TUNNEL ROAD FOR A CORRIDOR STUDY TO CONDUCT A COMPREHENSIVE REVIEW AND ANALYSIS IN ORDER TO ENHANCE SAFETY, MULTIMODAL TRANSPORTATION, AND TO GUIDE SUPPORTIVE LAND USES

WHEREAS, the French Broad River Metropolitan Planning Organization (MPO) presented a funding opportunity to member jurisdictions to conduct corridor studies to better inform local priorities and needs; and

WHEREAS, the MPO Congested Management Process (CMP) report identifies US 70 Tunnel Road as a corridor with safety and operational challenges; and

WHEREAS, there has not been a comprehensive review of US 70 Tunnel Road to identify challenges, opportunities, and recommendations; and

WHEREAS, the City's Comprehensive Plan seeks to strengthen urban transit corridors;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to select Tunnel Road for a corridor study and to direct staff to conduct a comprehensive review and analysis in order to enhance safety, multimodal transportation, and to recommend zoning changes to guide development that aligns with Living Asheville, the City's Comprehensive Plan.

Read, approved and adopted this 25th day of September 2018.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 18-254

RESOLUTION PROPOSING APPROVAL OF LEASE AGREEMENTS WITH THE N.C. DEPT. OF PUBLIC SAFETY, DIVISION OF LAW ENFORCEMENT, STATE HIGHWAY PATROL, FOR ANTENNAS, EQUIPMENT ENCLOSURES AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 130 RESERVOIR ROAD, AND STATE OWNED REAL PROPERTY AT THE STATE OF NC PEACH KNOB DRIVE FACILITY IN ASHEVILLE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENTS

WHEREAS, the City of Asheville is the owner of real property located at 130 Reservoir Road, formerly White Fawn Reservoir; and

WHEREAS, the State of North Carolina Division of Law Enforcement operates a telecommunication tower facility on Peach Knob Drive in Asheville (with the coordinates of N 35° 38' 14.38" AND W 82° 29' 56.071") adjacent to a City of Asheville Public Safety communications site; and

WHEREAS, the State of North Carolina Division of Law Enforcement has offered to enter into a lease agreement in order to operate antennas and related equipment upon the property at 130 Reservoir Road; and

WHEREAS, the State of North Carolina Division of Law Enforcement has also offered to enter into lease agreements to provide equipment and tower space for the City of Asheville to operate antennas and related equipment in the State's building at 130 Reservoir Road and the State's Meadows Mountain facility on Peach Knob Drive; and

WHEREAS, per the proposed lease agreements, the term of each lease shall be (30) years for the sum of $1 for the term; and

WHEREAS, pursuant to N.C.G.S. 160A-274, any governmental unit may lease to another governmental unit any interest in real property upon such terms and conditions as it deems wise; and

WHEREAS, the City Council of the City of Asheville proposes to accept/approve the lease agreements and the aforementioned terms;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the aforementioned lease agreements with the N.C. Dept. of Public Safety, Division of Law Enforcement, State Highway Patrol, and any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 9th day of October, 2018.

Magdalen Bowlesson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

William P Reed Jr
City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-255

RESOLUTION APPROVING A TACTICAL URBANISM PROJECT ALONG COXE AVENUE BETWEEN HILLIARD AND SOUTHSIDE AVENUES AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR THE PROJECT

WHEREAS, the City of Asheville is dedicated to improving active transportation on its streets; and

WHEREAS, the City of Asheville has funding in place to begin an engineering and design process for Coxe Avenue that would reconstruct Coxe Avenue in the near future; and

WHEREAS. the City of Asheville is partnering with Asheville on Bikes who is acting on behalf of the Street Tweaks Partnership, which also includes the Blue Ridge Bicycle Club and the American Association of Retired Persons, for the purpose of developing, installing, and maintaining a tactical urbanism project along Coxe Avenue between Hilliard and Southside Avenues; and

WHEREAS, Asheville on Bikes has received private grant funds to pay for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The tactical urbanism project along Coxe Avenue between Hilliard and Southside Avenues is hereby approved and the City Manager is hereby authorized to execute an agreement with Asheville on Bikes to implement the project.

Read, approved and adopted this 9th day of October 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Todd
City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-256

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT FOR CDM SMITH FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 3 PROJECTS.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, CDM Smith, was selected by Staff via a Request for Qualifications process and the City of Asheville entered into a Master Agreement with CDM Smith on May 27, 2015, for On-Call Professional Services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Supplemental Agreement under said Master Agreement with CDM Smith on November 10, 2015, to perform engineering services related to the 2015 Neighborhood Enhancement Area 3 Projects; and

WHEREAS, it has been determined that additional design services and additional time for construction administration and observation is needed in order to meet the project objectives; and

WHEREAS, a change order in the amount of $160,000 is needed to increase the engineering design services contract for CDM Smith from $672,572 to $832,572 for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order in the amount of $160,000 to increase the engineering design services contract for CDM Smith from $672,572 to $832,572 for the 2015 Neighborhood Enhancement Area 3 Projects and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 9th day of October, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 18-257

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC FOR THE SKYVIEW PLACE RETAINING WALL CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Skyview Place Retaining Wall; and

WHEREAS, Patton Construction Group, Inc of Asheville, NC was the lowest responsible bidder for the project, in the amount of $575,270; and

WHEREAS, the project involves the construction of a retaining wall on Skyview Place; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $575,270 plus a contingency $86,290 (15.0%) with Patton Construction Group, Inc. for the project known as Skyview Place Retaining Wall. The City Manager is also authorized to execute any change orders up to the budgeted amount.

Read, approved and adopted this the 9th day of October, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Rogers
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-258

RESOLUTION TO ESTABLISH AN EQUITY-BASED VISION ZERO TASK FORCE TO REDUCE THE NUMBER OF TRAFFIC-RELATED FATALITIES AND SEVERE INJURIES OCCURRING IN ASHEVILLE

WHEREAS Asheville has consistently ranked as a top North Carolina city for traffic-related crashes; and

WHEREAS traffic-related deaths and severe injuries are acknowledged to be preventable; and

WHEREAS crashes, injuries, and fatalities greatly impact the quality of life of all Asheville residents, including those not directly involved in a traffic-related crash; and

WHEREAS human life and health should be prioritized within all aspects of transportation systems, and for all people, particularly vulnerable populations; and

WHEREAS Asheville's citizens, of all ages and abilities, deserve safe streets on which to walk, bike, operate mobility devices, access transit, and drive; and

WHEREAS Council's Vision 2036 calls for "pedestrian oriented development" and "an integrated transportation system," as well as "sidewalks, greenways, and bike facilities to get us where we want to go safely;" and

WHEREAS Council has adopted a strategic goal to "take appropriate steps to implement the multimodal transportation plan (AIM)" and one of that Plan's recommendations is to implement a Vision Zero program; and

WHEREAS Vision Zero encourages a broad approach to improving safety, but one that is rooted in equity, is systems-based and data-driven, and that is accountable to the community.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council endorses and authorizes the City Manager to direct staff to form an Equity-Based Vision Zero Task Force that would work on establishing strategies and policies to help reduce the number of traffic-related fatalities and severe injuries occurring in Asheville.

Read, approved and adopted this 9th day of October 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-259

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH 21CP SOLUTIONS, LLC

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, in March 2018, the City of Asheville solicited proposals for independent incident assessment services; and

WHEREAS, 21CP Solutions, LLC was selected as the most qualified and responsive proposal to retain said services; and

WHEREAS, the project involves an independent comprehensive review of certain City policies, procedures, and incident responses; and

WHEREAS, the City wishes to increase the contract amount by $5,000.00 to provide for a presentation at a public meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment increasing the contract with 21CP Solutions, LLC, by $5,000 from $87,500 to $92,500.

Read, approved and adopted this the 9TH day of October, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-260

RESOLUTION TO DEDICATE OF A SECTION OF OLD HAYWOOD ROAD NEAR THE TRAFFIC SAFETY UNIT OFFICE IN MEMORY OF SR. APD OFFICER ROBERT BINGAMAN

WHEREAS, the Asheville City Council has a policy for dedicating City of Asheville owned land; and

WHEREAS, Senior Officer Robert Bingaman tragically lost his life on October 29, 2013, in the line of duty; and

WHEREAS, Officer Robert Bingaman honorably served his country as a member of the Marine Corps and his city as a well respected police officer; and

WHEREAS, Asheville City Council would like to honor Officer Bingaman's service and sacrifice by dedicating a section of Old Haywood Road to Officer Bingaman;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville section of Old Haywood Road near the Asheville Police Department's Traffic Safety Unit be dedicated to Senior APD Officer Robert Bingaman.

Read, approved and adopted this 9th day of October 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Pendley
City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 18-261

RESOLUTION ADOPTING AN ORDER TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS SMATHERS LN

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unopened right of way known as Smathers Lane. and

WHEREAS, City Council on the 28th day of August, 2018, adopted a Resolution of Intent to permanently close an unopened right-of-way known as Smathers Lane, and ordering a public hearing on the question of the closing for the 9th day of October, 2018, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the portion of an unopened right of way known as Smathers Lane; and

WHEREAS, the City Council held a public hearing on the closure on October 9, 2018, and, following the hearing, it appears to the satisfaction of the Council that closing the right-of-way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Pursuant to North Carolina General Statutes Sec 160A-299, the City Council hereby adopts an order closing an unopened right of way known as Smathers Lane described as follows:

All of an unimproved 16 foot wide street or right of way known as Smathers Lane as shown on a Plat entitled "Property of A.B. Ware," recorded in Plat Book 22 at Page 54 (herein "Plat") in the Buncombe County Register of Deeds, centerline of said right of way being further described as follows:

BEGINNING at a point in the Western right of way line for Clingman Avenue, said point being the southeast comer of Lot 23 on said Plat, and running in a southwesterly direction the following courses and distances: (i) S 77 deg. 30 min. W 54 feet; (ii) S 80 deg. 32 min. W 122.8 feet to an iron pipe in the southeast comer of Lot 8 as shown on said Plat; (iii) S 80 deg. 32 min. W approximately 45 feet along the southern line of Lot 8 as shown on said Plat; (iv)

thence curving to the north in the center of the 16 foot right of way with an inside radius for the right of way being 10 feet, and an outside radius of 26 feet until it intersects with the southeast comer of Lot 10 as shown on the Plat.

2. A certified copy of this resolution and order shall be filed in the office of the Buncombe County Register of Deeds.

Read, approved and adopted this 9th day of October, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
Robin P. Pendley
City Attorney

Magdalen Bowleson
City Clerk

160

RESOLUTION NO. 18-262

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY NEAR HENDERSONVILLE ROAD AND SWEETEN CREEK ROAD

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unopened right of way near the intersection of Hendersonville Road and Sweeten Creek Road; and

WHEREAS, City Council on the 28th day of August, 2018, adopted a Resolution of Intent to permanently close an unopened right-of-way near the intersection of Hendersonville Road and Sweeten Creek Road, and ordering a public hearing on the question of the closing for the 9th day of October, 2018, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the portion of an unopened right of way near the intersection of Hendersonville Road and Sweeten Creek Road; and

WHEREAS, the City Council held a public hearing on the closure on October 9, 2018, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Pursuant to North Carolina General Statutes Sec 160A-299, the City Council hereby adopts an order closing an unopened right-of-way near the intersection of Hendersonville Road and Sweeten Creek Road described as follows:

Tract A:

BEING all of an unopened street or right of way, running from the right of way for the East main track of Southern Railway Southwest approximately 300 feet to Dixie Highway (now Hendersonville Road), as shown on a plat entitled "Jack Atkinson Property," recorded in Plat Book 9 at Page 23 of the Buncombe County Registry, and being more particularly described

as follows:

BEGINNING at a point in the western line of the NC DOT right of way for Hendersonville Road, the same being the northwest comer of the property described in Deed Book 5531 at Page 525, said point being located South 44 deg. 44 min. East 165 feet from the intersection of the centerline of Hendersonville Road and the center line of Airport Road; thence (i) N 00 deg. 50 min. 34 sec. E 25.29 feet to a nail set in the asphalt driveway; (ii) thence N 62 deg. 45 min. 07 sec. E 103.47 feet; (iii) thence N 62 deg. 16 min. 07 sec. E 13.57 feet to a point; (iv) thence N 62 deg. 45 min. 39 sec. E 135.46 feet to a point in the western right of way of Southern Railroad; (v) thence S 41 deg. 38 min. 21 sec. E 25.61 feet to a point in the right of way line for Southern Railroad; thence S 62 deg. 45 min. 39 sec. W 224.5 feet to a point identified by a rebar marker, the same being the northernmost point of the property described in Deed Book 5531 at Page 525 in the Buncombe County Registry; thence S 61 deg. 56 min. 22 sec. W 45.50 feet to the point and place of BEGINNING, containing 5689.83 square feet, more or less.

Tract B:

BEING the southernmost portion of an unopened drive shown on the above-referenced plat of the Jack Atkinson Property, and being more particularly described as follows:

BEGINNING at the terminus of the second call in the description for Tract A, above; thence (i) N 28 deg. 22 min. 14 sec. W 24.91 feet; (ii) thence N 62 deg. 45 min. 19 sec. E 13.44 feet; (iii) thence

S 28 deg. 39 min. 2 sec. E 24.80 feet; (iv) thence S 62 deg. 16 min. 07 sec. W 13.57 feet to the point and place of BEGINNING, containing 335.58 square feet, more or less.

2. A certified copy of this resolution and order shall be filed in the office of the Buncombe County Register of Deeds.

Read, approved and adopted this 9th day of October, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
Robin P. Robb
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 18-263

RESOLUTION APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD

WHEREAS, on September 11, 2018, by Resolution No. 18-238, City Council rescinded the appointment of Alan Escovitz, thus leaving an unexpired term until May 21, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Carter Webb, 25 Westridge Drive, Asheville, N.C., be and he is hereby appointed as a member of the Civil Service Board to serve the unexpired term of Mr. Escovitz, term to expire May 21, 2019, or until his successor is appointed.

Read, approved and adopted this 9th day of October, 2019.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 18-264

RESOLUTION AUTHORIZING EMPLOYMENT AGREEMENT WITH DEBRA CAMPBELL AND APPOINTING DEBRA CAMPBELL AS CITY MANAGER

WHEREAS, the City Council began its search for a new City Manager in Spring of 2018; and

WHEREAS, the City Council sought community and employee input regarding desired qualifications for the new City Manager; and

WHEREAS, the City received 75 applications for City Manager; and

WHEREAS, after a careful and deliberate process involving community members, City employees and City Council, City Council narrowed the candidates to 6 possible candidates; and

WHEREAS, after conducting interviews of those six candidates, involving community members, City employees and City Council, and reviewing input from those groups, City Council deliberated and agreed that Debra Campbell was their unanimous choice for the role; and

WHEREAS, Ms. Campbell has agreed to the terms of an Employment Agreement presented to Ms. Campbell contingent upon ratification by the City Council, whereby she will begin employment with the City of Asheville as City Manager on December 3, 2018; and

WHEREAS, pursuant to Article III Section 19 of the City's Charter, City Council appoints the City Manager; and

WHEREAS, pursuant to N.C. General Statute §143-318.11(a)(6) such appointment shall take place in an open meeting; and

WHEREAS, this special meeting was properly noticed and called for the purpose of appointing Ms. Campbell as City Manager and ratifying the Employment Agreement;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Debra Campbell is hereby appointed City Manager as of December 3, 2018, and is so employed as of that date pursuant to the terms of the Employment Agreement she has signed, hereby ratified by City Council.

Read, approved and adopted this 17th day of October, 2018.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

164

RESOLUTION NO. 18-265

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A GRANT FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants; and

WHEREAS, funds for Fiscal Year 2019-20 are available from the N.C. Dept. of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has received financial assistance in the amount of $75,000 for the cost of transit planning from the NCDOT; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $7,500 which is budgeted in the Transit Services Fund budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and she is hereby authorized to apply for and accept a grant from the N.C. Dept. of Transportation to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration for Fiscal Year 2019-20 and to execute any and all documents necessary to give effect to this action.

Read, approved and adopted this 23 day of October 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Rorrer
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-266

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE AN EASEMENT FROM BUNCOMBE COUNTY FOR THE INSTALLATION AND MAINTENANCE OF PARKING AVAILABILITY SIGN

WHEREAS, the City of Asheville, hereinafter the City, is authorized pursuant to N. C. Gen. Stat. sec. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City of Asheville has agreed to install and maintain a parking sign and needs the electrical conduit necessary to connect the sign to the electrical system serving the existing parking garage that serves the US Cellular Center; and

WHEREAS, owners of said property, Buncombe County, at its October 16, 2018 meeting of the County Commission, agreed to convey a permanent easement containing approximately 520 square feet or 0.012 acres to the City of Asheville for this purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to accept a permanent easement over a portion of said property at 67 Haywood Street (9649-31-4051) from Buncombe County for the purposes of installing a parking garage sign and associated electrical conduit. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robert S. Rolfe
City Attorney

Magdalen Bourleson
City Clerk

166

RESOLUTION NO. 18- 267

RESOLUTION TO APPLY FOR THE FISCAL YEAR 2018-19 EMERGENCY SOLUTIONS GRANT APPLICATION AND ACCEPT ANY SUBSEQUENT AWARDS FOR PROJECT FUNDING

WHEREAS, Emergency Solutions Grant (ESG) funds are made available from the U.S. Department of Housing and Urban Development through the State of North Carolina Division of Aging and Adult Services (DAAS); and

WHEREAS, the City of Asheville has been the fiscal sponsor for Emergency Solutions Grant funding since 2012 to fund local agencies working to address homelessness; and

WHEREAS, the City of Asheville is eligible to apply for $120,412 to fund agencies providing emergency shelter and housing assistance for homeless individuals and families, as well as administrative support for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve the application for Emergency Solutions Grant funding and any subsequent award; and

2. Council authorizes the City Manager to sign all necessary contract documents with the State of North Carolina Division of Aging and Adult Services (DAAS), after approval by the City Attorney.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-268

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH CAROLINA CORNERSTONE CONSTRUCTION, INC., FOR THE MILLS RIVER WATER TREATMENT PLANT ROOF REPLACEMENT AND STRUCTURAL IMPROVEMENTS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Mills River Water Treatment Plant (WTP) Roof Replacement and Structural Improvements Project; and

WHEREAS, Carolina Cornerstone Construction, Inc., was selected as the lowest responsible responsive bidder for the Project and awarded the bid in the amount of $1,932,782.00; and

WHEREAS, the scope of work for this project at the Mills River WTP includes: (1) removal and replacement of the existing roof system to all buildings on-site; (2) corrections and improvements to the facade of all four buildings on-site; (3) addition of skylights above the chemical facility to allow for the removal of bulk chemical tanks, including structural modifications to the roof framing and relocation of some HVAC, electrical, fire protection, and plumbing equipment; (4) installation of roof access ladders on the raw and finished water pumping building and intake structure; and (5) replacement of five indoor air handling units and their associated outdoor condensing units, along with the electrical associated with removing HVAC units; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a construction agreement with Carolina Cornerstone Construction, Inc., for the Mills River Water Treatment Plant Roof Replacement and Structural Improvements Project for the bid amount of $1,932,782 plus a 15% contingency in the amount of $290,000 for a total project budget in the amount of $2,222,782 and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robert P. Rozbruch
City Attorney

Magdalen Bowlson
City Clerk

168

RESOLUTION NO. 18-269

RESOLUTION RECOMMITTING SUPPORT FOR OPPORTUNITY FUND INVESTMENT THAT PROMOTES EQUITABLE GROWTH, DEVELOPMENTS WITHOUT DISPLACEMENT, AND HEALTHY COMMUNITIES OF OPPORTUNITIES IN ASHEVILLE'S OPPORTUNITY ZONES

WHEREAS, Opportunity Zones and Funds were added as an adjustment to the tax code in the 2017 tax reform package (Tax Cuts & Jobs Act); and

WHEREAS, the City of Asheville had five low income Census Tracts (tracts 2, 7, 9, 14 & 20) designated by the U.S. Treasury in May, 2018, as Opportunity Zones; and

WHEREAS, Opportunity Funds are being created to drive long-term capital into Opportunity Zones by using tax incentives to encourage private investment in these impact funds; and

WHEREAS, Opportunity Funds, if invested equitably, could spark catalytic development that creates economic opportunity and improves neighborhood quality of life; and

WHEREAS, Opportunity Funds, if invested without a focus on improving opportunities and outcomes for the residents living inside the Opportunity Zones could lead to displacement of low-income residents and communities of color in addition to the loss of community assets and land;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council commits to work with Opportunity Fund Investors and take a proactive approach to offer guidance in Opportunity Zone investments that promote Equitable Growth, Development without Displacement and Healthy Communities of Opportunity for all residents in and around Opportunity Zones.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18-270

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH AAR OF NORTH CAROLINA, INC. FOR ROOF REPLACEMENT AT LINWOOD CRUMP SHILOH CENTER

WHEREAS, pursuant to N.C.G.S. § 143-131, the informal bidding procedures for construction contracting, AAR of North Carolina, Inc., was the lowest bidder for the Project, with Base Bid and Selected Alternates totaling $381,200.00; and

WHEREAS, the contract generally consists of all labor, materials, and equipment to construct the Roof Replacement Project at the Linwood Crump Shiloh Center; and

WHEREAS, the monies have been budgeted in the Capital Improvement Program (CIP) under Project B1801 (Roof Replacements);

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Construction Agreement with AAR of North Carolina, Inc. in the amount of $381,200.00 for construction of the Roof Replacement Project at the Linwood Crump Shiloh Center, and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

170

RESOLUTION NO. 18- 271

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND IF AWARDED ACCEPT, THE ASSISTANCE TO FIREFIGHTERS GRANT, STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT, AND FIRE PREVENTION AND SAFETY GRANT

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government; and

WHEREAS, the Federal Emergency Management Agency (FEMA), has issued guidelines for the FY 2018 Assistance to Firefighters Grant (AFG), Staffing for Adequate Fire and Emergency Response Grant (SAFER), and Fire Prevention and Safety Grant; and

WHEREAS, the Asheville Fire Department wishes to apply for the Assistance to Firefighters Grant (AFG) in an amount between $50,000 and $100,000 for the purchase of equipment; and

WHEREAS, the Asheville Fire Department wishes to apply for the Staffing for Adequate Fire and Emergency Response Grant (SAFER) in an amount between $450,000 and $900,000 to increase staffing capacity; and

WHEREAS, the Asheville Fire Department wishes to apply for the Fire Prevention and Safety Grant in an amount between $100,000 and $200,000 for equipment and programming;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for the following three Federal Emergency Management Agency (FEMA) grants: (1) Assistance to Firefighters Grant; (2) Staffing for Adequate Fire and Emergency Response Grant; and (3) Fire Prevention and Safety Grant; and if awarded, enter into said agreements.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Bowlesson
City Clerk

Edwin A. Manheimer
Mayor

Approved as to form:

Robin P. Hoyle
City Attorney

Magdalen Bowlesson

RESOLUTION NO. 18-272

RESOLUTION AUTHORIZING APPLICATION TO THE FEDERAL HOME LOAN BANK OF ATLANTA'S COMMUNITY HEROES DOWN PAYMENT ASSISTANCE INITIATIVE, AND AUTHORIZING ACCEPTANCE OF FUNDS IF AWARDED

WHEREAS, the Federal Home Loan Bank of Atlanta (FHLB) would like to partner with the City of Asheville on their Community Heroes Initiative to assist local eligible employees like Law Enforcement officers, Public School educators, Firefighters and other first responders with Down Payment Assistance (DPA) to purchase a home within the City of Asheville; and

WHEREAS, to participate in the program, the City of Asheville must develop a DPA program for "Community Heroes" and fund the program with a 3 to 1 match, with 3x coming from the City of Asheville; and

WHEREAS, the local structure of the FHLB DPA program can be determined by the City of Asheville at the time the agreement is executed; and

WHEREAS, the Housing & Community Development Committee (HCD) recommended City participation in an amount of $300,000 to be taken from Housing Trust Fund (HTF), matched by the FHLB with $100,000 in grant funds, for a total of $400,000 in funding; and

WHEREAS, HTF policy will be updated to include language regarding the FHLB and servicing households between 81% and 120% of AMI, including a sunset provision for one (1) year beyond the date of award;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to apply to the Federal Home Loan Bank of Atlanta's (FHLB) Community Heroes initiative to assist local eligible employees like Law Enforcement officers, Public School educators, Firefighters and other first responders with Down Payment Assistance (DPA) to purchase a home in City limits through funding from the initiative with $300,000 in monies from the Housing Trust Fund (HTF) for a total of $400,000 in a new Down Payment Assistance program, and also authorizes the City Manager to accept these funds, if awarded, and to execute any and all documents necessary to give effect to this action.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson

172

RESOLUTION NO. 18- 273

RESOLUTION AUTHORIZING AMENDMENT TO THE CITY OF ASHEVILLE HOUSING TRUST FUND GUIDELINES TO INCLUDE COMMUNITY HEROES DOWN PAYMENT ASSISTANCE INITIATIVE

WHEREAS, the Federal Home Loan Bank of Atlanta (FHLB) would like to partner with the City of Asheville on their Community Heroes Initiative to assist local eligible employees like Law Enforcement officers, Public School educators, Firefighters and other first responders with Down Payment Assistance (DPA) to purchase a home within the City of Asheville; and

WHEREAS, to participate in the program, the City of Asheville must update the City's Housing Trust Fund (HTF) Policy to include language regarding this special partnership with the FHLB and servicing households between 81% and 120% of AMI, including a sunset provision for one (1) year beyond the date of award;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes amendment of the Housing Trust Fund (HTF) Policy with added language to participate in this new FHLB partnership and DPA Policy as follows:

Page 4, Section III, Part B. Eligible Activities with the following language:

12. Special Partnerships: Federal Home Loan Bank of Atlanta's Community Heroes Down Payment Assistance. To serve law enforcement officers, firefighters, other first responders, and public school educators earning between 81% and 120% (as published annually by HUD) of area median income (AMI) to purchase a home under locally structured partnerships within City limits. This Special Partnership will sunset in one year from the date of the agreement with the FHLB, approximately November 1, 2019.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson

RESOLUTION NO. 18-274

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE APPRENTICESHIP PROGRAM FOR FISCAL YEAR 2019-20

WHEREAS, funds for Fiscal Year (FY) 2019-20 are available from the N.C. Dept. of Transportation (NCDOT) to hire a transit planning apprentice to perform planning activities; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $37,498 for the cost of transit planning from the NCDOT; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $3,749.80; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal and State government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City Manager is hereby authorized to apply for and accept grant funds from and to execute any and all documents necessary to give effect to this action with the N.C. Dept. of Transportation to fund the Apprenticeship program for Fiscal Year 2019-20.

Read, approved and adopted this 23rd day of October 2018.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

174

RESOLUTION NO. 18- 275

RESOLUTION AUTHORIZING THE CITY TO APPLY FOR THE INTERNSHIP PROGRAM GRANT AND IF AWARDED, AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE INTERNSHIP PROGRAM FOR FISCAL YEAR 2019-20

WHEREAS, funds for FY 2019-20 are available from the N.C. Dept. of Transportation (NCDOT) to hire a transit planning intern to perform planning activities; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $37,498 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $1,755.40; and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal and State government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City Manager is hereby authorized to execute all necessary documents to apply for an accept grant funds from and to execute any and all documents necessary to give effect to this action from the N.C. Dept. of Transportation to fund the Internship program for Fiscal Year 2019-20.

Read, approved and adopted this 23rd day of October 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Robinson
City Attorney

Magdalen Bowlson

RESOLUTION NO. 18-276

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has previously awarded the City of Asheville the amount of $19,000.00 to act as fiduciary for the Asheville High Intensity Drug Trafficking Area (HIDTA); and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has increased the previous award to the City of Asheville by the amount of $87,627.00 to a total of $106,627.00 to act as full fiduciary for the Asheville High Intensity Drug Trafficking Area (HIDTA);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept and enter into an agreement with the Executive Office of the President, Office of National Drug Control Policy in the amount of $106,627, for the High Intensity Drug Traffic Area 2018 grant.

Read, approved, and adopted this 23th day of October, 2018

Magdalen Bourleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bourleson

176

RESOLUTION NO. 18-277

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, 2018 BULLETPROOF VEST PARTNERSHIP PROGRAM

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, the Department of Justice, Office of Justice Programs, has awarded the City of Asheville the amount of $32,407.50 through the Bulletproof Vest Partnership program for the partial purchase cost of bulletproof vests; and

WHEREAS, the City of Asheville has a required match of $32,407.50 in order to accept the grant funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept funds and enter into an agreement with the Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership program in the amount of $32,407.50.

Read, approved, and adopted this 23rd day of October, 2018

Magdalen Bowlson
CITY CLERK

Edwin G. Marcus
MAYOR

APPROVED AS TO FORM:

Valerie P. Rock Jr.
CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 18-278

RESOLUTION ADOPTING THE BURTON STREET NEIGHBORHOOD PLAN

WHEREAS, the Burton Street neighborhood is one of 10 communities being impacted by the proposed I-26 Connector project and has been classified by the North Carolina Department of Transportation (NCDOT) as an Environmental Justice population that has incurred reoccurring impacts; and

WHEREAS, the NCDOT initiated a a community driven mitigation strategies and neighborhood plan (a.k.a. "Burton Street Neighborhood Plan") to address and remedy the anticipated impacts to the Burton Street community as a result of the I-26 Connector project; and

WHEREAS, the NCDOT retained Public Participation Partners in 2017 to prepare the Burton Street Neighborhood Plan and act as the liaison between the Burton Street community, NCDOT and City of Asheville; and

WHEREAS, the Burton Street Neighborhood Plan was prepared over an approximately 12-month long period in partnership with the Burton Street Community Association, Burton Street neighborhood and City of Asheville Planning and Urban Design Department; and

WHEREAS, the Burton Street Neighborhood Plan includes a list of recommended mitigation strategies related to the I-26 Connector project, as well as other neighborhood goals and strategies; and

WHEREAS, Sec. 7-3-2 of the city's Unified Development Ordinance authorizes the Asheville Planning and Zoning Commission to formulate and recommend to the Asheville City Council the adoption or amendment of a comprehensive plan and other plans, as necessary, for the city and its environs; and

WHEREAS, the Asheville Planning and Zoning Commission held a public meeting on September 5, 2018 and voted 7-0 to recommend adoption of the Burton Street Neighborhood Plan; and

WHEREAS, on September 25, 2018 the Asheville City Council voted to support the Burton Street Neighborhood Plan; and,

WHEREAS, on October 23, 2018, the Asheville City Council reviewed the Burton Street Neighborhood Plan at a public hearing; and

WHEREAS, the Burton Street Neighborhood Plan aligns with the Living Asheville Comprehensive Plan and the 2036 Council Vision in the area of "A Well Planned and Livable Community", and its adoption aligns with with the City Council Strategic Plan Goal 23: Continue to work toward achieving goals on I-26, which includes minimizing impacts adjacent to neighboring communities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Burton Street Neighborhood Plan is hereby adopted based upon the oral and written comments presented before and at the City Council hearing.

Read, approved and adopted this 23rd day of October, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

178

RESOLUTION NO. 18-279

RESOLUTION ESTABLISHING A 100% RENEWABLE ENERGY GOAL FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville adopted a resolution to increase the Municipal Carbon Footprint reduction goal to 4% annually on April 12, 2011; and

WHEREAS, the City of Asheville adopted a resolution Supporting a Clean Energy Economy on October 22, 2013; and

WHEREAS, the City of Asheville adopted a resolution for a Community Clean Energy Policy Framework on October 27, 2015; and

WHEREAS, the City of Asheville adopted a resolution establishing a joint City, County and Utility Energy Innovation Task Force for the purpose of researching, prioritizing, recommending and implementing recommendations to create energy efficiency, demand side management and renewable energy opportunities to reduce energy use in Buncombe County on March 22, 2016; and

WHEREAS, the City of Asheville adopted a resolution supporting a state goal of 100% renewable energy by 2050, increased protection for standing forests and the creation of green jobs on June 13, 2017; and

WHEREAS, the City of Asheville adopted a resolution re-affirming the City's commitment to reducing climate pollution in alignment with Council's vision, and, continued support of the principles of the Paris Agreement and the participation of the U.S.A. as a party to the Paris Agreement on June 13, 2017; and

WHEREAS, Asheville has lowered its energy demand and reduced its carbon emissions by 31% since 2008, is already known as Climate City, and is on its way to being a leader in energy conservation, which is the first step in achieving a goal of transitioning to 100% renewable energy, and

WHEREAS, in 2016 Mayor Manheimer signed onto the Paris Climate Agreement and the Mayors for 100% clean energy; and

WHEREAS, there continue to be opportunities to save Asheville taxpayers money and reduce the need for outside sources of energy by improving the energy efficiency of City buildings and updating the vehicle fleet policy; and

WHEREAS, climate change fueled by increasing greenhouse gases in the atmosphere increases the frequency and severity of extreme weather events, including torrential rain leading to floods and mudslides, along with extended droughts and resulting wildfires that Asheville is

projected to experience in greater frequency based on the City's Climate Resilience Assessment; and

WHEREAS, the costs to the City of Asheville to remedy damage done to buildings and infrastructure caused by the increase in extreme weather tend to be greater than the cost of preventative measures;

WHEREAS, the industrial scale use of forests for fuel is not a carbon neutral form of energy, and will contribute to the rate of climate change and severity of its impacts; and

WHEREAS, renewable energy technologies create jobs and yield opportunities for local business development and entrepreneurship;

WHEREAS, human health and safety are negatively affected by climate change with impacts on air quality and respiratory disease, heat related deaths and illness, mental health, thunderstorm deaths and injuries, hurricane deaths and injuries, water and food borne illnesses, flood deaths and injuries, vector borne diseases, tornado deaths and injuries, and cancer, transitioning to renewable energy will greatly decrease these public health risks and their concomitant cost; and

WHEREAS, the City of Asheville has committed to incorporating equity and inclusion into its operations through the hiring of an Equity and Inclusion Manager and by integrating these concepts into iits 2018 Comprehensive Plan and City Council 2036 Vision; and

WHEREAS, United Nations Sustainable Development Goal Seven seeks to "ensure access to affordable, reliable, sustainable, and modern energy for all"; and

WHEREAS, the City acknowledges that to achieve the energy transition goals established in this resolution it may need to implement or update existing policies and programs and will have to appropriate additional funding to municipal energy conservation, carbon reduction, and renewable energy generation; and

WHEREAS, timelines, milestones, and metrics are critical to focusing the City on developing and executing a plan to achieve the energy transition goals established in this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville shall transition municipal operations from fossil-fueled energy to 100% renewable energy by December 31, 2030.
2. The Office of Sustainability shall develop a renewable energy plan to achieve these goals by December 31, 2019, and Fiscal Year 2020 EITF funds may be used to develop the plan. The plan shall:

a. prioritize the selection and implementation of projects that reduce the City's municipal energy consumption and are economically responsible, socially just, and technologically feasible;
b. fully support Buncombe County's community-wide 100% renewable energy goal;
c. ensure that the concerns of historically marginalized communities are incorporated and the benefits of this transition are shared by all communities throughout Asheville;
d. identify staffing and annual funding appropriations needed to achieve the City's renewable energy goals;
e. prioritize hiring and utilizing local businesses and members of marginalized communities to the extent permitted by law; and
f. be incorporated into the City's Climate Action Plan.

3. The Office's annual Sustainability Management Report provided to City Council shall indicate whether:
   a. the City is on track to achieve the renewable energy transition goals established in this resolution, and
   b. adequate funding has been allocated by City Council to fund the required renewable energy transition projects.
4. The City's goals and plan shall be re-evaluated by the Sustainability Advisory Committee on Energy and the Environment, the Office of Sustainability, and City Council every five years.

Read, approved and adopted this the 23rd day of October, 2018.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Alan P. Pell
City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 18-280

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GREENLIGHT ELECTRIC, INC. FOR THE PROJECT KNOWN AS BOND TRAFFIC SIGNALS – PHASE 2, AND FURTHER AUTHORIZING THE EXECUTION OF ANY CHANGE ORDERS TO SAID CONTRACT WHICH MAY ARISE DURING EXECUTION OF SAID CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as the Bond Traffic Signals – Phase 2, City Of Asheville Project # X1704; and

WHEREAS, Greenlight Electric, Inc. of Weaverville NC was the lowest responsible bidder for the project, and

WHEREAS, Greenlight Electric, Inc. shall provide all labor, materials and equipment for the construction of traffic signals and their appurtenances; and

WHEREAS, the amount of the agreement is $191,595.00, plus a 10% contingency of $19,159.50, and the monies have been budgeted in the Capital Projects 2017-2018 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Capital Projects Management Division and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $191,595.00 plus a contingency of 10% ($19,159.50) with Greenlight Electric, Inc. for the contract known as Bond Traffic Signals – Phase 2, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $210,754.50.

Read, approved and adopted this the 13th day of November, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Julie R. Rorlaff
City Attorney

Magdalen Burleson
City Clerk

182

RESOLUTION NO. 18- 281

RESOLUTION TO CONVEY A PERMANENT UTILITY EASEMENT TO DUKE ENERGY PROGRESS, INC. FOR INSTALLING AND MAINTAINING SECTIONS OF OVERHEAD ELECTRICAL FACILITIES ALONG 34 HIAWASSEE STREET

WHEREAS, the City of Asheville is the owner of real property located at 34 Hiawassee Street (PIN # 9649-31-5500); and

WHEREAS, Duke Energy Progress, Inc. has requested that the City grant a permanent easement measuring approximately 0.136 acres for the purpose of installing and/or maintaining electrical facilities that traverse the employee parking lot behind the US Cellular Center; and

WHEREAS, there is a need for electrical facilities to be maintained to serve the Vanderbilt Substation serving the downtown area; and

WHEREAS, N. C. Gen. Stat. Sec. 160A-273 grants authority to the City to convey easements across City property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, as approved by the City Attorney, to convey a permanent easement over a portion of property located at 34 Hiawassee Street to Duke Energy Progress, Inc. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this the 13th day of November, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-282

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE MILLS RIVER WATER TREATMENT FACILITY TO THE CITY OF HENDERSONVILLE

WHEREAS, North Carolina General Statutes Section 160A-274 provides for a municipality to transfer interest in real property to any other unit of government; and

WHEREAS, the City of Asheville owns property located at 4037 Haywood Road, Mills River, NC, in Henderson County known as the Mills River Water Treatment Facility; and

WHEREAS, the City of Hendersonville has requested to purchase a 1.72 acre portion of said property for the amount of $14,625 based on the current fair market appraisal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to convey 1.72 acres of real property located at the Mills River Water Treatment facility to the City of Hendersonville. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 13th day of November, 2018.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Julie P. Burkey
City Attorney

Magdalen Burleson
City Clerk

184

RESOLUTION NO. 18- 283

RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council will hold a worksession on November 27, 2018, at 3:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall, to discuss City of Asheville revenue sources.

Read, approved and adopted this 13th day of November, 2018.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 18-284

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALTA PLANNING + DESIGN, INC. FOR THE DESIGN SERVICES NECESSARY FOR THE ASHEVILLE GREENWAY CONNECTORS, PHASE TWO: DESIGN AND CONSTRUCTION DOCUMENTS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, requests for qualifications were solicited for both phases of the Greenway Connectors Project; and

WHEREAS, Alta Planning + Design, Inc. was found to be the best qualified firm for the project; and

WHEREAS, Alta Planning + Design, Inc. shall provide all labor, materials and equipment necessary to perform the design activities outlined in the approved documents for the Asheville Greenway Connectors, Phase Two: Design and Construction Documents Project; and

WHEREAS, the amount of the contract is $95,087.40 plus a contingency of $19,017.48 (20%) is funded through the FBRMPO Tip Federal Grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract with Alta Planning + Design, Inc. for the construction services necessary to perform the Asheville Greenway Connectors, Phase Two: Design and Construction Documents Project in the amount of $114,104.90, including contingency.

Read, approved and adopted this the 13th day of November, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

186

RESOLUTION NO. 18-285

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH WNC LANDSCAPING, LLC. FOR THE FISCAL YEAR 2019 DOWNTOWN CLEANING CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 19 Downtown Cleaning Contract; and

WHEREAS, WNC Landscaping LLC of Cedar Mountain, NC was the lowest responsible bidder for the project, in the amount of $226,202.00; and

WHEREAS, the project involves the Cleaning of City Owned Sidewalks in the CBD; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Plan representative with all officers recommending approval of the bid; and

WHEREAS, the contract is for one year plus two optional one year extensions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $226,202 plus a contingency $33,930 (15.0%) with WNC Landscaping, LLC. with the option to renew annually for two, one-year extensions, upon budgetary approval by Council for each fiscal year for the project known as FY 19 Downtown Cleaning contract. The City Manager is also authorized to execute any change orders up to the budgeted amount.

Read, approved and adopted this the 13th day of November, 2018.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Julie P. Rorrer
City Attorney

Magdalen Bourleson

RESOLUTION NO. 18-286

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TRAFFIC PLANNING & DESIGN, INC FOR THE CHARLOTTE STREET IMPROVEMENT PROJECT

WHEREAS, the Charlotte Street Improvements Project ("Project") has been listed in the General Capital Improvement Program since FY 2014-15 and includes the section of Charlotte Street between I-240 and Edwin Place; and

WHEREAS, on March 12, 2018 the Planning and Economic Development Committee ("PED") recommended a road diet and spot safety improvement approach for the Project to City Council for review and consideration; and

WHEREAS, on April 24, 2018, City Council provided Resolution 18-93 that directed staff to move forward with the Charlotte Street Improvements project implementing the road diet and tactical spot safety approach for the Project; and

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville will award a contract to Traffic Planning and Design, Inc. for the design services for the Project; and

WHEREAS, per NCGS 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services) Traffic Planning and Design, Inc. was chosen through a qualifications based selection process as the most qualified to perform the design services; and

WHEREAS, Traffic Planning and Design, Inc. presented a scope of work and fee proposal for professional services associated with the Project and will provide full design services, bidding administration, and contract administration/reporting; and

WHEREAS, the project aligns with the City Council 2036 Vision in the Transportation and Accessibility focus area by implementing complete streets principles in order to improve multiple modes of transportation in order to enhance travel safety; and

WHEREAS, the City of Asheville has budgeted $1,250,000 for capital improvements for Charlotte Street;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Traffic Planning and Design, Inc. to provide design services for the Charlotte Street Improvement Project for an amount not to exceed $155,000, and further authorizing the execution of any contract amendments up to 10% ($15,500) above of the contract price , which may arise during execution of said project.

Read, approved and adopted this 13th day of November, 2018.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson

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RESOLUTION NO. 18- 287

RESOLUTION AUTHORIZING THE SALE OF CITY OWNED PROPERTY AT 360 HILLIARD AVENUE TO THE KASSINGER DEVELOPMENT GROUP FOR AN AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, N.C. Gen. Stat. sec. 160A-456(B) authorizes the City to undertake community development programs and activities and to exercise those powers granted by law to municipal housing authorities; and

WHEREAS, N. C. Gen. Stat. sec. 157-9, the City is authorized to sell property for multi-family affordable housing development where at least 20% of the units are affordable to households at 60% of AMI or less for at least 15 years and in so doing, is exempt from the property conveyance rules of G.S. 160A, Article 12 (i.e. private sale is permissible and competitive bidding is not required); and

WHEREAS, the City owns approximately 2 acres of real property located at 338 Hilliard Avenue, and has been identified by City Council as a valuable site for location of affordable and workforce housing, more particularly identified on the Buncombe County tax map as PIN No. 964818394200000; and

WHEREAS, at the direction of Council, the terms of sale and use were negotiated with the Kassinger Development Group, who submitted a qualified and timely proposal is response to the City's Request for Proposal for development of this property; and

WHEREAS, the property at 360 Hilliard Street is to be subdivided, with the City retaining the southern portion of the property (exact boundary to be determined by mutual agreement and survey), upon which Kassinger Development Group will construct a public parking lot for the primary use of patrons of the Aston Park tennis courts, and further will bear one-half of the cost of that construction with the City also paying a one-half share of those costs; and

WHEREAS, the terms of the sale negotiated include the payment by the Kassinger Group of $375,000 for the subject property (the northern portion, as subdivided), and that the Kassinger Development Group has agreed to build 64 for-sale residential units on the site, of which 33 will be priced affordably to persons of 80% or less of Area Median Income, and 13 of those units will be available to persons at 60% or less AMI, with assistance as necessary from the City's down payment assistance program to achieve that goal; and that Housing Choice Voucher holders will be encouraged to qualify for and purchase a home;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to execute documents and convey to the Kassinger Group by private sale the City's interest in the to-be-subdivided real property located at 360 Hilliard Avenue, upon the terms proposed by the Kassinger Development Group, and upon the approval of the City Attorney;
2. The City Clerk is hereby authorizec to publish a notice summarizing the contents of this resolution once after its adoption in a newspaper of general circulation within the City, and no sale shall be consummated hereunder until 10 days after publication of such notice.

Read, approved and adopted this 13th day of November, 2018.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:
CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 18- 288

RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on September 12, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, one (1) qualified application for Housing Trust Fund loan has been received; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposal from Kassinger Development Company, and has made its recommendation to Council to approve the loan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. A loan of $1,280,000 at 2.00% amortizing interest, for three (3) years to Kassinger Development Group for the development and construction of sixty-four (64) mixed-income for-sale condominium units, at 360 Hilliard Avenue; to be made immediately available for disbursement following loan closing. Thirty-three (33) of the total units are to be restricted to families earning 80% or less of the Area Median Income (AMI) with thirteen (13) of those units being restricted to families earning 60% AMI or less using City down-payment assistance as necessary to achieve this, and including voucher accepted (50% AMI). The affordable units shall have a fifty (50) year affordability period, enforced by a deed covenant in form acceptable to the City Attorney.

Read, approved and adopted this 13th day of November, 2018

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:
Valerie P. Wolff
CITY ATTORNEY

Magdalen Bowlson

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RESOLUTION NO. 18- 289

RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of Robin Cape and Edward Hay, as members of the Alcoholic Beverage Control Board, expire on November 13, 2018; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Januarie West, 20 Pine Tree Circle, Asheville, N.C., and she is hereby appointed as a member to the Alcoholic Beverage Control Board, to serve a three-year term, term to expire November 13, 2021, or until her successor has been appointed.

Max Haner, 5 Kimberly Avenue, Asheville, N.C., and he is hereby appointed as a member to the Alcoholic Beverage Control Board, to serve a three-year term, term to expire November 13, 2021, or until his successor has been appointed.

Read, approved and adopted this 13th day of November, 2018.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Valerie P. Norlett
CITY ATTORNEY

Magdalen Bourleson

RESOLUTION NO. 18-290

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the term of Mr. Dale Davidson, as a member of the Homeless Initiative Advisory Committee, has expired on November 1, 2018; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Dale Davidson, 52 Biltmore Avenue, Asheville, N.C., be and her is hereby reappointed as a member to the Homeless Initiative Advisory Committee, to serve an a three year term, term to expire November 1, 2021, or until his has been appointed.

Read, approved and adopted this 13th day of November, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Valerie P. Rorlett
CITY ATTORNEY

Magdalen Bowlesson

192

RESOLUTION NO. 18- 291

RESOLUTION APPOINTING MEMBERS TO THE I-26 CONNECTOR AESTHETICS COMMITTEE

WHEREAS, City Council established the ad hoc committee of the I-26 Connector Project Aesthetics Committee on April 24, 2018, to gather information and ideas about treatments that would make the project a cohesive and integrated part of Asheville; and

WHEREAS, it is anticipated that the Committee would serve for about one year and complete their tasks before the final Environmental Impact Statement is released;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Kenneth Dierks, 105 Kimberly Knoll Road, Asheville, North Carolina, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Susan Bigbie Loftis, 170 Montford Avenue, Asheville, North Carolina, be and she is hereby appointed a member of the I-26 Connector Aesthetics Committee to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Read, approved and adopted this 13th day of November, 2018.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION NO. 18- 292

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, Ken Miller (representing zip code 28806 or 28728) has resigned as a member on the Neighborhood Advisory Committee, thus leaving an unexpired term until July 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Anna Sexton, 44 Boyd Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Neighborhood Advisory Committee (representing the zip code 28806 or 28728), to serve the unexpired term of Mr. Miller, term to expire July 1, 2019, or until her successor has been appointed.

Read, approved and adopted this 13th day of November, 2018.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:
CITY ATTORNEY

Magdalen Bowlesson

RESOLUTION NO. 18-293

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Mr. Guillermo Rodriguez has resigned as a member on the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Valeria Watson, 207 Coxe Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Public Art & Cultural Commission, to serve the unexpired term of Mr. Rodriguez, term to expire June 30, 2020, or until her has been appointed.

Read, approved and adopted this 13th day of November, 2018.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Valerie P. Rezler
CITY ATTORNEY

Magdalen Bulleson

RESOLUTION NO. 18-294

RESOLUTION SETTING A PUBLIC HEARING ON AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR BURIAL BEER COMPANY IN CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, an existing Asheville manufacturing facility, operated by Burial Beer Company, is proposing to expand a facility within the City limits adding $1,800,000 Million in new capital investment in Machinery and Equipment and facility improvements and creation of 17 new median wage jobs with benefits; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering discretionary performance-based grants to qualifying businesses locating and expanding Counwithin the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on December 11, 2018, at 5:00 pm in the Council Chamber to consider an Economic Development Incentive Grant for a term of 5 years, in an amount not to exceed $30,000 upon completion of the said project and terms of the performance contract.

Read and approved and adopted this 27th day of November, 2018.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

196

RESOLUTION 18 - 295

RESOLUTION ACCEPTING INVITATION FOR THE CITY TO PARTICIPATE IN THE CARBON DISCLOSURE PROJECT'S MATCHMAKER PROGRAM

WHEREAS, the City of Asheville passed Resolution 09-135 approving the City of Asheville's Sustainability Management Plan as the strategic plan for municipal sustainability goals and activities; and

WHEREAS, the Sustainability Management Plan identified the need of developing and addressing reduction in carbon and climate change; and

WHEREAS, the Carbon Disclosure Project, Matchmaker Program helps local officials, city staff and community partners advance equity and local resilience efforts through stormwater, tree canopy, and greenspace; and

WHEREAS, the Matchmaker Program was developed to overcome several barriers that slow the acceleration of low carbon cities; and

WHEREAS, using an online analytics dashboard and subscription service, so as to better link potential funding with need and accelerate project development overall, each city participant catalyzes investment by connecting investors with a pipeline of potential green projects; and

WHEREAS, accepting CDP's invitation to participate in the Matchmaker Program will help provide funding for future public meetings and environmental education opportunities on climate resilience; and

WHEREAS, the City's sole responsibility is to share data related to green infrastructure projects and there is no cost to the City to participate in this program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby accepts CDP's invitation to participate in the 2018 CDP Matchmaker Program to be utilized for future climate projects addressing climate resilience and authorizes the City Manager to execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 27th day of November, 2018.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 18- 296

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SIGN A MEMORANDUM OF UNDERSTANDING WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA TO CREATE A DEVELOPMENT PLAN FOR 80 UNITS OF PERMANENTLY AFFORDABLE HOUSING AT 29 OAK HILL DRIVE

WHEREAS, the City owns a 3.71 acre parcel of land at 29 Oak Hill Drive in Asheville, NC with PIN No. 9629-90-2093-00000, described in the Deed Book as 5213 at Page 0479; and

WHEREAS, there exists a significant need for permanently affordable supportive housing for hard-to-house chronically homeless adults in the City of Asheville; and

WHEREAS, Homeward Bound has expressed interest in developing an estimated 80 unit permanently affordable supportive housing residential development at 29 Oak Hill Drive to serve hard-to-house chronically homeless adults; and

WHEREAS, pursuant to N.C.G.S. 160A-16, the City is authorized to enter into contracts;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to sign a Memorandum of Understanding with Homeward Bound of Western North Carolina to plan for development of City-owned land at 29 Oak Hill Drive in Asheville, North Carolina.

Read, approved and adopted this 27th day of November, 2018.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

Robin P. Pendleyton
CITY ATTORNEY

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 18-297

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, the Federal Emergency Management Agency has awarded the City of Asheville the amount of $32,728 through the Assistance to Firefighters Grant for personal protective equipment extractors; and

WHEREAS, the City of Asheville has a required match of $3,272 in order to accept grant funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept funds and enter into an agreement with the Federal Emergency Management Agency in the amount of $36,000.

Read, approved, and adopted this 27th day of November, 2018

Magdalen Burleson
City Clerk

Edwin A Mark
Mayor

Approved as to form:

City Attorney

Magdalen Burleson

RESOLUTION NO. 18-298

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, the Federal Emergency Management Agency has awarded the City of Asheville the amount of $802,935 through the Staffing For Adequate Fire and Emergency Response Grant for nine firefighter positions; and

WHEREAS, the City of Asheville has a required match of $499,108.05 in order to accept grant funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept funds and enter into an agreement with the Federal Emergency Management Agency in the amount of $1,302,043.

Read, approved, and adopted this 27th day of November, 2018

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

200

RESOLUTION NO. 18- 299

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE FM GLOBAL FIRE PREVENTION PROGRAM

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants and to enter into contracts for said grants; and

WHEREAS, the FM Global Fire Prevention Program has awarded the City of Asheville the amount of $2,832 to purchase a new Sparky the Dog Costume; and

WHEREAS, the City of Asheville needs no extra funding in order to accept grant funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept funds and enter into an agreement with the FM Global in the amount of $2,832.

Read, approved, and adopted this 27th day of November, 2018

Magdalen Bourneson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

Robin P. Rogoff
City Attorney

Magdalen Bourneson

RESOLUTION NO. 18-300

RESOLUTION REGARDING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION I-26 CONNECTOR TIP PROJECT-2513

WHEREAS, the North Carolina Department of Transportation ("NCDOT") has recently issued maps that depict the design and impacts of the I-26 Connector Project, TIP Project I-2513 ("the project"); and

WHEREAS, NCDOT is seeking public input on the maps at a public hearing to be held on December 4, 2018; and

WHEREAS, the City of Asheville is providing comments to NCDOT on the maps through this resolution; and

WHEREAS, the City of Asheville and NCDOT have worked together in the I-26 Working Group since 2016 to address a range of issues raised in Resolution 15-232, adopted by City Council on December 8, 2015; and

WHEREAS, the City of Asheville appreciates the collaboration and hard work that NCDOT has put into the I-26 Working Group and NCDOT's willingness to adopt several changes to the project; and

WHEREAS, the maps reflect a number of improvements to the project sought by the City of Asheville as a result of the I-26 Working Group's efforts, including a reduction in the overall size and impact of the project on neighborhoods and businesses in West Asheville due to the selection of a six-lane alternative for I-240, an improved Brevard Rd-Amboy-Rd interchange, and other design improvements that have reduced the number of houses and businesses taken by close to 50; and

WHEREAS, other improvements include improved community connectivity through new and expanded bicycle and pedestrian infrastructure throughout the project corridor that will better and more safely connect people to downtown, West Asheville, the French Broad River, and numerous neighborhoods; and

WHEREAS, there remain outstanding design elements along the Patton Avenue Corridor and the Jeff Bowen Bridge yet to be adopted by NCDOT that are reflected in a memo dated September 19, 2018 from Sam Schwartz Consulting LLC to Ken Putnam (the "Schwartz Memo"); and

WHEREAS, securing NCDOT's commitment to incorporate the designs advanced in the Schwartz Memo is critical to achieving the City of Asheville's long-standing goal of turning the Patton Avenue Corridor into a dense, urban, multi-modal, mixed-use corridor; and

WHEREAS, there remain other opportunities to tighten the footprint of all intersections between surface roads and the interstate throughout the project in order to make roads safer for cyclists and pedestrians and to possibly further reduce impacts on homes and businesses; and

WHEREAS, the City of Asheville seeks a continued close working relationship with NCDOT and its design-build contractor on the ongoing design of this project and appreciates NCDOT's commitment to that ongoing relationship;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville calls on NC DOT to adopt and incorporate into the final maps and Final Environmental Impact Statement the City's desired designs for the Patton Avenue Corridor and Jeff Bowen Bridge as reflected in the Schwartz Memo; and

2. The City of Asheville further calls on NCDOT to support the City's acquisition of available right of way in the Patton Avenue Corridor to further the redevelopment of that corridor as envisioned by the City; and

3. The City of Asheville further calls on NC DOT and its future design-build contractor to continue efforts to tighten the footprint of intersections throughout the project corridor.

Read, approved and adopted this the 27th day of November, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Pendley
City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 18-301

RESOLUTION ADOPTING THE 2019 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following schedule of the meetings of the Asheville City Council for 2019 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 9, 2019; Tuesday, August 13, 2019; and Tuesday, December 24, 2019.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 11th day of December, 2018.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 18 - 302

RESOLUTION AUTHORIZING THE TRANSFER OF HOUSING TRUST FUND SECURITY INTEREST FROM 444 BEAUCATCHER TO MARIGOLD/CHAPEL PLACE PROPERTIES

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 160A-456 to appropriate and expend funds for community development programs and activities, including funds for housing for low and moderate income persons; and

WHEREAS, Beaucatcher Commons LLC borrowed $200,000 from the City of Asheville HTF fund in November of 2010 to build 12 units of new affordable housing at 444 Beaucatcher, at 2% interest payable over 30 years. The developer has an opportunity to refinance the first mortgage on that property through the Freddie Mac Small Balance Fixed Loan program; and

WHEREAS, The developer borrowed $150,000 from the Housing Trust Fund in June of 2013 to create a total of eight affordable units on Marigold Street and Chapel Park Place; and

WHEREAS, in order to refinance 444 Beaucatcher with Freddie Mac Small Balance Fixed Loan, there can be no subordinate financing on the property and therefore, Beaucatcher Commons is requesting that the remaining balance of the City's HTF loan on 444 Beaucatcher, $166,219, be transferred to the HTF loan on the Marigold St./Chapel Park Place Property; and

WHEREAS, Staff has determined that there is sufficient collateral in the Marigold St./Chapel Park Place Property to secure this additional lien amount from 444 Beaucatcher and therefore, the City's interests will be protected; and

WHEREAS, the Asheville City Council believes it is important to support affordable housing developments that further the public purposes encompassed in the major elements of the Council's Strategic Plan and the City's Comprehensive Plan and other adopted plans, including the provision of workforce and affordable housing and/or green development and energy saving projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Housing Trust Fund security interest lien from 444 Beaucatcher be secured (i.e. transferred) to the Marigold/Chapel Place properties and that the City Manager is authorized to execute any documents necessary to give effect to this resolution.

Read, approved and adopted this the 11th day of December, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Janice Ashley
City Attorney, Senior Assistant

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 18-303

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT AT NORTH PACK SQUARE ALONG THE FRONTAGE OF THE ARRAS HOTEL AND RESIDENCES TO MHG ASHEVILLE TR, LLC (MHG) FOR THE PURPOSES OF OUTDOOR DINING, ACCESS AND LANDSCAPING.

WHEREAS, N.C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across City property; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at North Pack Square along the frontage of private property located at 7 Patton Avenue; and

WHEREAS, MHG Asheville Tr, LLC has requested an easement measuring 1,374 square feet for the purposes of outdoor dining, access and landscaping; and

WHEREAS, the easement has a value of $76,120 which sum MHG have agreed to pay for the easement; and

WHEREAS, the easement will not interfere with the City's intended use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement totaling 1,374 square feet over a portion of property located at North Pack Square along the frontage of private owned property at 7 Patton Avenue to MHG Asheville Tr, LLC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this 11th day of December, 2018.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Kellen P. Reilly
City Attorney

Magdalen Bowlesson
City Clerk

206

RESOLUTION NO. 18- 304

RESOLUTION AUTHORIZING THE SOLE SOURCE PROCUREMENT FOR CATALYST E2 BATTERY LEASE

WHEREAS, N.C.G.S. § 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. § 143-129(e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of N.C.G.S. § 143-129(e), states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, Proterra, Inc, is the only manufacturer of Catalyst E2 batteries that the City of Asheville may contract with in order to meet the provisions of the Federal Transit Administration and the City of Asheville's sole source procurement policy, and

WHEREAS, on January 9, 2018, City Council approved a Budget Amendment to Procure Five Transit Buses with language regarding the battery lease;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the leasing of Proterra, Inc Catalyst E2 Batteries as permitted under N.C.G.S. 143-129(e)(6) without formal bidding as the product is available from only one source of supply.

Read, approved and adopted this 11th day of December, 2018.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robert P. Rolfe
City Attorney

Magdalen Bullerson

RESOLUTION NO. 18-305

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK PATTERSON LEE, P.C., FOR THE U.S. CELLULAR CENTER HVAC DESIGN AND ENGINEERING SERVICES CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64, statements of qualification were solicited for the project known as the U.S. Cellular Center HVAC Design and Engineering Services Contract; and

WHEREAS, Clark Patterson Lee, P.C., was judged the best qualified firm for the Project; and

WHEREAS, the contract generally consists of design, planning, and construction administration services in order to renovate the U.S. Cellular Center HVAC and Mechanical Systems with the goals of improving building performance and energy efficiency, maximizing the available budget, and providing modernization plans for future improvements; and

WHEREAS, the City entered into a contract in the amount of $50,000.00 and amended the contract for an additional $215,000.00 for professional services to complete the above-referenced work, and the City desires to amend said contract for an additional $132,400.00 in professional services necessary for the completion of modernization plans; and

WHEREAS, the funding for the project is allocated within the TPDF Theater Project in the Capital Improvement Program Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Contract Amendment to the Professional Services Agreement with Clark Patterson Lee, P.C., for the contract amendment of $132,400, and total contract amount of $397,400, for design and engineering services for the U.S. Cellular Center HVAC Design and Engineering Services Contract, and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount of the project.

Read, approved and adopted this 11th day of December, 2018.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Lauren P. Rose
City Attorney

Magdalen Bullion

208

RESOLUTION NO. 18-306

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR THE TRANSFER OF WATER DISTRIBUTION SYSTEM FROM CITY OF ASHEVILLE TO THE TOWN OF BLACK MOUNTAIN

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, N.C.G.S. § 160A-274 authorizes governmental units to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property, with or without consideration; and

WHEREAS, N.C.G.S. § 160A-461 authorizes units of local government to enter into contracts or agreements with each other in order to execute any undertaking; and

WHEREAS, approximately thirteen (13) miles of the City's water distribution system, which it currently owns and maintains, is located within the corporate limits of Black Mountain and serves approximately 600 customers; and

WHEREAS, Black Mountain owns and maintains its own water distribution system and in many areas, the two water distribution systems run parallel to each other and are redundant; and

WHEREAS, the City and Black Mountain desire to execute an agreement to transfer Water Resources assets within the Town of Black Mountain service area from the City of Asheville to the Town of Black Mountain; and

WHEREAS, the transfer includes relinquishing ownership and future maintenance responsibilities of the City of Asheville's infrastructure within the Town of Black Mountain service area to the Town of Black Mountain over a two year period in three phases; and

WHEREAS, this transfer allows the entities to be more efficient in the operation and maintenance of the water systems; and

WHEREAS, this also allows the Town of Black Mountain to increase their capacity obtained from the City of Asheville through system expansion to serve their residents and proposed future commercial/industrial development;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor, on behalf of the City of Asheville, is hereby authorized to execute an agreement with the Town of Black Mountain to transfer Water Resources assets within the Town of Black Mountain service area from the City of Asheville to the Town of Black Mountain.

Read, approved and adopted this 11th day of December, 2018.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

RESOLUTION NO. 18-307

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING LEASE AGREEMENT BETWEEN DEWINE SEEDS-SILVER DOLLAR BASEBALL AND THE CITY OF ASHEVILLE FOR 30 BUCHANAN PLACE IN DOWNTOWN ASHEVILLE TO EXTEND THE EXISTING LEASE FOR AN ADDITIONAL SIX MONTH

WHEREAS, the City of Asheville has authority pursuant to N. C. Gen. Stat. sec. 160A-272 to lease City property upon such terms and conditions as the City Council sees fit; and

WHEREAS, DeWine Seeds-Silver Dollar Baseball is the lessee of City-owned real property located at 30 Buchanan Place, identified as PIN #9648-47-8566-00000 and the current lease is scheduled to expire December 31, 2018; and

WHEREAS, the City of Asheville would like to extend the existing lease for an additional six months; and

WHEREAS, the rental rate for the leased premises will be $1.00 annually and all other terms of the existing lease will remain the same;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment to the existing Lease Agreement between DeWine Seeds-Silver Dollar Baseball and the City of Asheville for 30 Buchanan Place at PIN # 9648-47-8566-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this the 11th day of December, 2018.

Magdalen Bradley
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bradley

210

RESOLUTION NO. 18-308

RESOLUTION AUTHORIZING A PERFORMANCE BASED ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR BURIAL BEER COMPANY LLC IN CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to engage in economic development purposes; and

WHEREAS, an existing Asheville manufacturing facility, operated by Burial Beer Company LLC is proposing to expand a facility within the City limits adding $1,800,000 in new capital investment in Machinery and Equipment and facility improvements and creation of 17 new median wage jobs with benefits; and

WHEREAS, the City of Asheville has adopted an economic development incentive policy offering discretionary performance-based economic development incentives to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, North Carolina state law requires a Public Hearing be held before an incentive grant can be officially awarded;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council approves a performance based economic development incentive agreement with Burial Beer Company LLC, estimated to be $3842 annually for a five year agreement period payable in five (5) annual installments, but not to exceed $30,000 subject to compliance with a Performance Agreement between the City and Burial Beer Company LLC.

The City Manager is hereby authorized to execute the Performance Agreement setting the conditions for both parties, subject to approval of the City Attorney.

Read and approved and adopted this 11th day of December, 2018.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
City Attorney

Magdalen Bourneson

RESOLUTION NO. 18-309

RESOLUTION AUTHORIZING THE CITY MANAGER TO MODIFY THE TERMS OF THE LOAN FOR AND DISBURSE THE REMAINING FUNDS TO EMP COMMERCIAL, LLC AND EMSDC FOR COMMERCIAL AND RETAIL SPACE IN THE DEVELOPMENT KNOWN AS EAGLE MARKET PLACE

WHEREAS, in 2013 City Council approved a Section 108 loan in the amount of $718,000 to Eagle Market Street Development Corporation ("EMSDC") for the purpose of constructing commercial and retail space; and

WHEREAS, the minutes of that meeting state that EMSDC has the stated goal of marketing directly to Historically Disadvantaged Businesses (HUB), and maximizing leasing of space to HUB's; and

WHEREAS, the minutes of that meeting indicate that EMSDC has the goal of renting at below market rates to minority-owned businesses; and

WHEREAS, $268,000 of the $718,000 loan have been disbursed to EMSDC pursuant to a Promissory Note dated February 2, 2017; and

WHEREAS, the deed of trust securing the $268,000 loan that was disbursed was not recorded against the property that is to be used as collateral on the loan ("the Unit"); and,

WHEREAS, since the approval of the loan in 2013, significant development has occurred in the area known as the "the Block," including a hotel and two apartment buildings; and

WHEREAS, in 2018, EMP Commercial, LLC was created as an entity and became the owner of the Unit after the overall project was turned into condominiums and must now be a party to the loan and grantor of the Deed of Trust securing said loan as agreed and referenced in Exhibit A;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to modify the terms of the loan as set forth in Exhibits A and B and disburse the remaining funds to EMP Commercial, LLC and EMSDC for commercial and retail space in the development known as Eagle Market Place, to amend the Promissory Note dated February 2, 2017 to reflect the same terms as the loan on the remaining funds, and to agree to such other terms and execute such other documents as are necessary and in accordance with the intent set forth herein.

Read, approved and adopted this 11th day of December, 2018.

Magdalen Bowlson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson

Attachment A
Terms of EMSDC Loan
December 11, 2018

- **Loan Repayment:** *Attachment B*

- **Loan Security Position:** City to be in third position, i.e., the City will record a Deed of Trust on the full amount of the loan and Mountain Housing Opportunities will subrogate its security position to the City.

- **Rents:** Per the original intent of the loan in 2013, the average rents for the units to be rented to businesses will be at the following schedule:
  - 0 to 5 years - average of 20% below market rate
  - 6 to 20 years - average of 15% below market rate

  The average rents can always be lower than specified below.

- **Job Creation:** Per the original intent of the loan in 2013, a minimum of 21 jobs will be documented as created in the initial five years of occupancy. A created job is a full-time job (i.e. 30 hours a week or more) that has a minimum duration of at least six months.

- **Completed Project:** All commercial elements of the Eagle Market Place development will be complete within two years of the final disbursement of City of Asheville "Section 108" funds. Completion is defined as "ready-to-occupy space to include fully operational systems, with only required tenant up-fit being finishes such as sheetrock or specialty finishes."

- **Lease:** EMSDC will make good faith efforts to lease the commercial and retail space to Historically Disadvantaged Businesses.

- **Review:** EMSDC will provide an annual report with the data for the terms of the loan. City staff will review the report for compliance.

- **Default:** Should the project fail to meet any of the above terms within the designated time-frames, the loan shall be in default, and due and payable in full to the City of Asheville.

Attachment B

EMPDC Loan Repayment Schedule

December 11, 2018

- 0% loan, no payments until 2034 (year 20). Beginning in 2034 principal payments to the City will be paid annually using the following schedule:

Calendar Year	Project Year	Principal Payment	Balance
2034	20	$30,000	$688,000
2035	21	$32,500	$655,500
2036	22	$35,000	$620,500
2037	23	$37,500	$583,000
2038	24	$40,000	$543,000
2039	25	$42,500	$500,500
2040	26	$45,000	$455,500
2041	27	$47,500	$408,000
2042	28	$50,000	$358,000
2043	29	$52,500	$305,500
2044	30	$55,000	$250,500
2045	31	$57,500	$193,000
2046	32	$60,000	$133,000
2047	33	$62,500	$70,5000
2048	34	$65,000	$5,500
2049	35	$5,500	$0

- This repayment schedule repays the City in 35 years rather than 40 while offering a 20 year "grace period" to a) return owner investments intended as temporary capital and b) pay down the principal on the first mortgage.

214

RESOLUTION NO. 19-1

RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR THE GENERAL SERVICE AGREEMENT WITH BBC RESEARCH & CONSULTING FOR THE 2016 DISPARITY STUDY PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160a-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, proposals were solicited for the project known as the 2016 Disparity Study Project; and

WHEREAS, at its March 28, 2017 meeting, City Council approved a contract with BBC Research & Consulting in the amount of $319,948 to conduct the Disparity Study Project; and

WHEREAS, additional funds are needed to offset BBC Research & Consulting unanticipated project team overages in various areas of the study; and

WHEREAS, staff has identified available budget within the Community & Economic Development budget for FY19 to fund the additional contract amount;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Additional funds in the amount of $10,000 are hereby authorized for the contract with BBC Research & Consulting for the 2016 Disparity Study Project and the City Manager is hereby authorized to execute an amendment to the contract to reflect this additional funding, f for a total general service contract amount of $329,948.

Read, approved and adopted this the 8th day of January, 2019.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-2

RESOLUTION DIRECTING DEPOSIT OF CONDITIONAL USE PERMIT PURSUANT TO CONSENT STAY PENDING APPEAL TO THE NORTH CAROLINA SUPREME COURT

WHEREAS, pursuant to the City's February 14, 2017 findings of fact and conclusions of law, the Asheville City Council voted to deny a request by PHG Asheville, LLC ("PHG") for a conditional use permit ("CUP") to construct an eight-story, 178,412 square foot hotel and on-site parking structure on 2.05 acres of land (PIN 9649-20-1616) located at 192 Haywood Street; and

WHEREAS, PHG sought judicial review of the City Council's denial of the CUP, and the Buncombe County Superior Court on November 2, 2017 reversed the City Council's decision and remanded with an order for the City Council to issue the CUP; and

WHEREAS, the City timely appealed the Superior Court order to the North Carolina Court of Appeals; and

WHEREAS, pursuant to a December 6, 2017 agreement, the City and PHG agreed that PHG would not seek to enforce the Superior Court order during the appeal to the North Carolina Court of Appeals, and that the City would not issue the CUP before a final decision by that court; and

WHEREAS, on November 6, 2018, the North Carolina Court of Appeals affirmed the Superior Court order and remanded the case to Buncombe County Superior Court for further remand to the City to issue the CUP to PHG (the "COA Opinion"); and

WHEREAS, on November 14, 2018, legal counsel for the City notified legal counsel for PHG that the City intended to file a petition for discretionary review ("PDR") with the North Carolina Supreme Court, which would seek review of the COA Opinion; and

WHEREAS, on November 26, 2018, PHG initiated enforcement proceedings in Buncombe County Superior Court for the purpose of obtaining the permit notwithstanding the City's PDR; and

WHEREAS, in response to PHG's initiation of enforcement proceedings, the City on December 6, 2018 filed a motion with the Buncombe County Superior Court to stay or enjoin enforcement during the pendency of the City's PDR; and

WHEREAS, in an effort to avoid further litigation between the parties about the status of the CUP while the City's PDR is pending with the Supreme Court, and to avoid unnecessary costs and expenses, the City and PHG have mutually agreed to a stay of the enforcement proceedings initiated by PHG, and the City has agreed to deposit the CUP with the Buncombe County Clerk of Superior Court pursuant to N.C. Gen. Stat. § 1-291 while the City's PDR is pending before the North Carolina Supreme Court;

NOW, THEREFORE, the City Council hereby issues the CUP for the sole purpose of depositing it with the Buncombe County Clerk of Superior Court pursuant to N.C. Gen. Stat. § 1-291, and pursuant to the following agreement between the City and PHG:

(1) If the City's PDR is denied by the Supreme Court, the CUP will be immediately released to PHG;

(2) If the City's PDR is granted by the Supreme Court, the CUP shall remain with the Clerk of Superior Court pending a final decision from the Supreme Court, and upon a final decision from the Supreme Court, either party may petition the Buncombe County Superior Court for the release or revocation of the CUP.

Read, approved and adopted this the 8th day of January, 2019

Magdalen Bellamy
City Clerk

Esther E. M
Mayor

Approved as to form:

John B. Madden
Assistant City Attorney

Magdalen Bellamy
City Clerk

RESOLUTION NO. 19-3

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND SIGN A GREENWAY EASEMENT OVER PROPERTY LOCATED AT 53 TANGLEWOOD DRIVE FOR PUBLIC ACCESS TO THE FALCONHURST NATURE PRESERVE

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, East West Craggy Development LLC, hereinafter the Property Owners, are the owners of property PIN 963-816-3605 with site address 53 Tanglewood Drive; and

WHEREAS Property Owners agreed to donate a permanent public access easement as part of their conditional zoning requirements for the Craggy Park subdivision (CZ Ord. 4390)

WHEREAS, the City of Asheville (hereinafter "City"), has requested a Permanent Easements containing approximately 0.25 acres over a portion of said property; and

WHEREAS, the Falconhurst Nature Preserve is a city-owned property with a conservation easement from the NC Land Conservation Trust , and

WHEREAS, the Smith Mill Creek Greenway corridor runs through the Falconhurst Nature Preserve property and this proposed public access might provide a neighborhood connection to the future greenway; and

WHEREAS, the City is working with community members on the development of a network of natural surface trails within the Falconhurst Nature Preserve for recreational enjoyment by all residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to accept and sign a permanent easement over a portion of property located at 53 Tanglewood Drive for the sake of public access to the Falconhurst Nature Preserve and the future Smith Mill Creek Greenway.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson

RESOLUTION NO. 19- 4

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOUNTAINTRUE TO CONSTRUCT NATURAL SURFACE TRAILS WITHIN THE FALCONHURST NATURE AREA

WHEREAS, the City accepted the donation of the Falconhurst Nature Preserve from the Conservation Trust for North Carolina in 2012, authorized by City Council Resolution 08-58, subject to deed restrictions to protect the site from development and maintain its integrity as a nature preserve, while still permitting appropriate public recreational use; and

WHEREAS, the City's Conservation Agreement with the Conservation Trust for North Carolina gives the City the right to allow passive recreational public use and access including the creation and maintenance of unpaved and/or pervious hiking trails; and

WHEREAS, the City understands the MountainTrue has negotiated with neighborhood groups to assist in the construction and future maintenance of the trails; and

WHEREAS, the MountainTrue expressed the desire to see this community-driven project succeed; and

WHEREAS, it is recognized that the City's involvement in this project is contingent upon Mountain True's fulfillment of its work under the proposed Agreement, and the City has no obligation to carry on the work of MountainTrue should they fail to perform their responsibilities as described in this Agreement; and

WHEREAS, the access to natural surface trails for recreation and the removal of invasive species throughout the Area would be a benefit to the City, to the community, and to the biome;

WHEREAS, the City Council and its citizens desire a Well Planned and Livable Community with a Connected and Engaged Community; and

WHEREAS, the City and the MountainTrue desire to set forth the terms and conditions of this Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with MountainTrue to allow for the construction of natural surface trails within and the maintenance of the Falconhurst Nature Area.

Read, approved and adopted this the 8th day of January, 2019.

Magdalen Bowerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 19-5

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM THE PRESERVATION SOCIETY OF ASHEVILLE AND BUNCOMBE TO BE APPLIED TOWARDS THE THOMAS WOLFE CABIN MASTER PLANNING PROJECT

WHEREAS, the City of Asheville is authorized pursuant to N.C. G. S. # 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful methods; and

WHEREAS, the City of Asheville released an RFQ to solicit master planning and professional design services for the Thomas Wolfe Cabin at Azalea Park; and

WHEREAS, the Thomas Wolfe Cabin was designated as a local historic landmark in 1983 for its association with local author Thomas Wolfe who stayed at the cabin upon his return to Asheville after the successful publication of his controversial novel, *Look Homeward Angel* in 1929; and

WHEREAS, Lord Aeck Sargent was selected as the most qualified firm to complete the project, but their proposal exceeded the original project budget; and

WHEREAS, staff negotiated a contract, which required supplemental funds and reached out to the Preservation Society of Asheville and Buncombe County, the city's partners on the project, for the supplemental funding, which they agreed to provide so that the project could move forward;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized on behalf of the City of Asheville to negotiate and enter into an agreement with the Preservation Society of Asheville and Buncombe County to accept a donation in the amount of $7,500 for the Thomas Wolfe Cabin master planning project.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bullerson
City Clerk

Esther E. McFee
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson

220

RESOLUTION NO. 19- 6

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (2010 John Deere 410J Backhoe), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus 2010 John Deere 410J Backhoe ("Backhoe"), with an estimated wholesale value of $30,000; and

WHEREAS, the Backhoe will be advertised on the Public Surplus Bid website and upon completion of the auction will be awarded to the highest bidder; and

WHEREAS, to authorize the sale of the backhoe, City Council approval is needed; and

WHEREAS, proceeds of the sale will be returned to the Water Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the 2010 John Deere 410J Backhoe

2. The Purchasing Manager is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the 2010 John Deere 410J Backhoe.

Read, approved and adopted this the 8th day of January, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock

RESOLUTION NO. 19-7

RESOLUTION AUTHORIZING A HOME PROGRAM AMENDMENT TO THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2018-19

WHEREAS, the City of Asheville is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal HOME Investment Partnership Act program; and

WHEREAS, WHEREAS, City Council adopted an Action Plan on June 19, 2018 for the use of funds in FY 2018-19; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action Plan for fiscal year 2018-19; and

WHEREAS, a public hearing has been held to obtain citizen input and comments on the draft reallocation plan, in front of City Council on January 11, 2019, and the draft reallocation plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council approves the reallocation of HOME funding for Annual Action Plan for 2018-19 which is incorporated by reference as if fully set forth herein.

2. Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and with other designated agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bourleson

SUMMARY OF CHANGES TO ANNUAL ACTION PLAN FOR 2018-2019

HOME INVESTMENT PARTNERSHIP PROGRAM

Funds available for reallocation:

Program Income	$202,200
Returned funds from unawarded tax credit projects: Mountain Housing Opportunities Clingman@Hilliard project ($500,000) and Workforce Homestead's Falling Waters ($600,000)	$1,100,000
Contingency Funds	$139,145
Returned CHDO funds-deobligated by HUD	($45,245)
Total HOME Funds Available for reallocation:	**$ 1,396,100**

Proposed Use of Funds:

2018-2019 PROGRAM CHANGES	Additional Funding Recommended	Total HOME funds allocated to the project
Mountain Housing Opportunities-East Haven	$1,000,000	$1,675,000
Workforce Homestead-Amaranth	$341,100	$341,100
Henderson County Habitat for Humanity-Dodd Meadows Phase Five	$55,000	$180,000
RECOMMENDED FUNDING	**$1,396,100**	

RESOLUTION 19-8

RESOLUTION APPROVING THE FINAL NEGOTIATION AND EXECUTION OF PROPERTY TAX COLLECTION AGREEMENT WITH BUNCOMBE COUNTY

WHEREAS, the City of Asheville, North Carolina (the "City") and Buncombe County ("County") have power pursuant to General Statutes §153A-445 and Article 20 of Chapter 160A of the North Carolina General Statutes to jointly exercise any function which they have been granted the power to exercise alone and to enter into contracts or agreements to specify the details of these joint undertakings; and

WHEREAS, owners of property within the City are subject to property taxes of both the City and County; and

WHEREAS, the City Council of the City (the "City Council") has determined that it is an advantage to the citizens of the City to be subject to one billing and collection process for property taxes within both the City and County; and

WHEREAS, on or about June 28, 2005 the City and County did enter into and execute an Agreement ("2005 Agreement") for County to bill and collect taxes for both the City and County; and

WHEREAS, on or about June 19, 2018 the City and County did enter into and execute a Modification Agreement ("Modification Agreement") for County to bill and collect taxes for both the City and County for a period of one year; and

WHEREAS, the City and County mutually desire to enter into a three-year Agreement ("Agreement"); and

WHEREAS, the Agreement shall set the billing and collection fee paid by the City to the County for fiscal year 2020 to an amount of $815,000 with an escalation of 2.5% each of the two years thereafter and incorporate a fee structure for special assessment taxes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

The City Manager be, and is hereby, authorized to execute an Agreement with Buncombe County for the purpose of billing and collecting property taxes on behalf of the City.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bowleson
City Clerk

Edwin A. Mark
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 19-9

RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, Mr. Scott Dedman has resigned, thus leaving an unexpired term until September 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Andy Barnett, 167 Edgewood Road, Asheville, N.C., be and he is hereby appointed to serve the unexpired term of Mr. Dedman, term to expire September 1, 2019, or until his successor has been duly appointed.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Robin P. Currin Jr.
CITY ATTORNEY

Magdalen Bourleson

RESOLUTION NO. 19-10

RESOLUTION APPOINTING AN ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, Ms. Christine Longoria has resigned as an Alternate member to the Board of Adjustment, thus leaving an unexpired term until January 21, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Robert Carroll, 21 Prairie Path, Asheville, N.C., be and he is hereby appointed to serve the unexpired Alternate term of Ms. Longoria until January 21, 2019; and then a full three-year Alternate term, term to expire January 21, 2022, or until his successor has been duly appointed.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson

RESOLUTION NO. 19-11

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM THE U.S. TENNIS ASSOCIATION FOR IMPROVEMENTS TO ASTON PARK TENNIS CENTER

WHEREAS, the City of Asheville is authorized pursuant to N.C. G. S. 160A-12 to enter into donation agreements and accept grants; and

WHEREAS, the U.S. Tennis Association Fed Cup was held at the U.S. Cellular Center in February, 2018; and

WHEREAS, the U.S. Tennis Association pledged $35,000 for "Legacy Grant;" and

WHEREAS, the Legacy Grant is intended to fund a retractable awning and some tables and chairs at the Aston Park Tennis Center;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized on behalf of the City of Asheville to negotiate and enter into an agreement with the U.S. Tennis Association to accept a donation in the amount of $35,000 for the Aston Park Tennis Center.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson

RESOLUTION NO. 19-12

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE DOWNTOWN COMMISSION

WHEREAS, the terms of Brent Campbell, Franzi Charen, Dane Barrager and Pamela Winkler, as members on the Asheville Downtown Commission, expired on December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Brent Campbell, 48 Curve Street, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three-year term, term to expire December 31, 2021, or until his successor has been appointed.

(2) Mr. Dane Barrager, Post Office Box 3017, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three-year term, term to expire December 31, 2021, or until his successor has been appointed.

(3) Ms. Pamela Winkler, 21 Battery Park Avenue, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three-year term, term to expire December 31, 2021, or until her successor has been appointed.

(4) Ms. Franzi Charen, 84 Barnard Avenue, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville Downtown Commission, to serve an additional three-year term, term to expire December 31, 2021, or until her successor has been appointed.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bouleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson

RESOLUTION NO. 19-13

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, Gene Bell has resigned from the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

David Nash, 119 Estes Court, Asheville, N.C., be and he is hereby appointed to the Homeless Initiative Advisory Committee to serve the unexpired term of Mr. Bell, term to expire November 1, 2019, or until his successor has been appointed.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Robin P. Currin
CITY ATTORNEY

Magdalen Bullock

RESOLUTION NO. 19-14

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Chris Pelly, as a member on the Metropolitan Sewerage District Board of Directors, expires on January 19, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Chris Pelly, 95 Cisco Road, Asheville, North Carolina, be and he is hereby reappointed as a member of the Metropolitan Sewerage District Board of Directors to serve an additional three-year term, term to expire January 19, 2022, or until his successor has been appointed.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Robin P. Robinson
CITY ATTORNEY

Magdalen Bullion

230

RESOLUTION NO. 19-15

RESOLUTION APPOINTING MEMBER TO THE MOUNTAIN COMMUNITY CAPITAL FUND OPERATING COMMITTEE AND CREDIT UNDERWRITING SUBCOMMITTEE

WHEREAS, on September 11, 2018, City Council adopted Resolution No. 18-241 authorizing the City Manager to execute the Mountain Community Capital Fund and Technical Assistance Program Allocation of Services and Duties Agreement; and

WHEREAS, the by-laws of the organization asks that two community stakeholders be appointed by the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Lynn Smith, 210 Carlyle Way, Asheville, N.C., be and she is hereby appointed to the Mountain Community Capital Fund Operating Committee and Credit Underwriting Subcommittee, to serve a two-year term, term to begin once the entire Committee is established.

Dee Williams, 136 Wyoming Road, Asheville, N.C., be and she is hereby appointed to the Mountain Community Capital Fund Operating Committee and Credit Underwriting Subcommittee, to serve a two-year term, term to begin once the entire Committee is established.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson

RESOLUTION NO. 19-16

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the term of Jane Mathews (design professional) on the Asheville Area Riverfront Redevelopment Commission, expired on January 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Jane Mathews, 12 The Circle, Asheville, N.C., be and she is hereby reappointed to the Riverfront Redevelopment Commission (design professional) to serve an additional three-year term, term to expire January 1, 2022, or until her successor has been appointed.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Robert P. Rozelle
CITY ATTORNEY

Magdalen Bullock

RESOLUTION NO. 19-17

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Anna Priest, Keith McDade and Josh O'Connor, as members of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Anna Priest, 40 Walton Street, Asheville, N.C., be and she is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three-year term, term to expire December 31, 2021, or until her successor has been appointed.

(2) Mr. Keith McDade, 257 Westover Alley, Asheville, N.C., be and he is hereby reappointed to the Sustainable Advisory Committee on Energy & the Environment, to serve an additional three year term, term to expire December 31, 2021, or until his successor has been appointed.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bulleson
CITY CLERK

E. Ann E. Manheimer
MAYOR

Approved as to form:

Robert P. Rozelle Jr.
CITY ATTORNEY

Magdalen Bulleson

RESOLUTION NO. 19-18

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE TREE COMMISSION

WHEREAS, the terms of Stephen Hendricks and Amy Smith, as members on the Asheville Tree Commission, expired on December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Mr. Stephen Hendricks, 27 Colonial Place, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville Tree Commission, to serve an additional three-year term, term to expire December 31, 2021, or until his successor has been appointed.

(2) Ms. Amy Smith, 167 Beverly Road, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville Tree Commission, to serve a three-year term, term to expire December 31, 2021, or until her successor has been appointed.

Read, approved and adopted this 8th day of January, 2019.

Magdalen Bowleson
CITY CLERK

Edwin R. Mc
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson

234

RESOLUTION NO. 19-19

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH THE HARPER CORPORATION FOR THE NORTH FORK WATER TREATMENT PLANT SODIUM BICARBONATE SILO REPLACEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the North Fork Water Treatment Plant (NFWTP) Sodium Bicarbonate Silo Replacement Project; and

WHEREAS, The Harper Corporation was selected as the lowest responsible responsive bidder for the Project and awarded the bid in the amount of $968,000 ($909,000 base bid + $59,000 potential Alternate #1); and

WHEREAS, the scope of work for this project includes replacement of the sodium bicarbonate storage silo, mixing and feed equipment at the NFWTP; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a construction agreement with The Harper Corporation for the North Fork Water Treatment Plant (NFWTP) Sodium Bicarbonate Silo Replacement Project for the bid amount of $968,000 ($909,000 base bid + $59,000 potential Alternate #1) and further authorizing the execution of any contract amendments or change orders up to 15% above the bid amount, which may arise during execution of said project.

Read, approved and adopted this 22nd day of January, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Helen P. Rogoff
City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19-20

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH MCGUIRE, WOOD & BISSETTE FOR LEGAL SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on September 11, 2018, by Resolution No. 18-243, the City Manager was authorized to enter into a contract with McGuire, Wood & Bissette for legal services at an hourly rate, with contract not to exceed $200,000; and

WHEREAS, Sabrina Rockoff was appointed Interim City Attorney by Resolution No. 18-244 on September 11, 2018, to serve until such time as the new City Attorney has been appointed; and

WHEREAS, due to the delay in appointment of a new City Attorney, said contract with McGuire, Wood & Bissette needs to be amended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be authorized to sign an amendment to the contract with McGuire, Wood & Bissette for legal services at an hourly rate, with contract amendment not to exceed an additional $200,000.

Read, approved and adopted this 22nd day of January, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

John Maddox
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19-21

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE FIELDS CONSULTING GROUP AGREEMENT REGARDING THE PROFESSIONAL SERVICES RELATED TO ASHEVILLE POLICE DEPARTMENT PROMOTIONAL PROCESSES

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. 160A-20.1 to enter into contracts for services with other entities; and

WHEREAS, the the City of Asheville previously contracted with the Fields Consulting Group to provide professional services related to promotional processes for the ranks of Sergeant, Lieutenant and Captain; and

WHEREAS, the total invoiced for these services exceeds the encumbered contract funding amount by $3,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to approve an amendment and increased expenditure of $3,000 with the Fields Consulting Group to provide professional services related to promotional processes for the ranks of Sergeant, Lieutenant and Captain, for a total of $92,000.

Read, approved and adopted this the 22nd day of January, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19-22

RESOLUTION AUTHORIZING THE CITY MANAGER TO IDENTIFY A MULTI-YEAR FUNDING STRATEGY TO COMPLETE THE SITE DESIGN AND IMPLEMENTATION PLAN FOR HAYWOOD STREET AND PAGE AVENUE REDEVELOPMENT PROJECT

WHEREAS, the City of Asheville owns 2.5 acres of re-developable real property and rights-of-way on Haywood Street and Page Avenue in Downtown Asheville; and

WHEREAS, City Council confirmed adoption of the Strategic Goal to develop a plan for Haywood Street land use and implement as appropriate via Resolution No. 18-242; and

WHEREAS, City Council, on September 12, 2017, unanimously passed a motion approving staff's release of a Request for Qualifications based on the outcomes of the Haywood Vision Plan process; and

WHEREAS, City Council now wishes to continue pursuing the implementation of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to pursue a multi-year funding strategy to complete a site design and implementation plan for the Haywood Street and Page Avenue Redevelopment project.

Read, approved and adopted this 22nd day of January, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19- 23

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH COOPER CONSTRUCTION COMPANY, INC., FOR THE NORTH FORK BRIDGE TRANSMISSION LINE BYPASS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the North Fork Bridge Transmission Line Bypass Project; and

WHEREAS, Cooper Construction Company, Inc., was the lowest responsible, responsive bidder for the Project, in the amount of $1,850,740.00; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 1,710 Linear Feet of 36-inch Ductile Iron Pipe located along North Fork Left Fork Road and through the private property of Presbyterian Reformed Ministries International; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Cooper Construction Company, Inc., for the North Fork Bridge Transmission Line Bypass Project for the bid amount of $1,850,740.00 and further authorizing the City Manager to execute any contract amendments or change orders up to 15% ($277,611) above the bid amount.

Read, approved and adopted this 12th day of February, 2019.

Magdalen Bowleson
CITY CLERK

Edwin C. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-24

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED GRANT AGREEMENT WITH BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY REDUCING A PREVIOUS AWARD OF $1,000,000 TO $25,000 IN TOURISM PRODUCT DEVELOPMENT FUNDS

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat 160A-11 to enter into contracts; and

WHEREAS, the BCTDA awarded the City $1 Million of Tourism Product Development funds (TPDF) in 2015; and

WHEREAS, $975,000 of the award was for Beaucatcher Greenway and $25,000 was for an Amboy Road crossing and river access; and

WHEREAS, the City of Asheville completed the Amboy Road project in 2016; and

WHEREAS, construction of Beaucatcher Greenway was put on hold due to insufficient funding; and

WHEREAS, the $1 Million grant agreement has since expired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign an amended grant agreement with BCTDA reducing the previous award of $1,000,000 to $25,000 in Tourism Product Development Fund funds.

Read, approved and adopted this the 12th day of February, 2019.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robert P. Rolfe
City Attorney

Magdalen Bourneson
City Clerk

240

RESOLUTION NO. 19-25

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NHM CONSTRUCTORS,LLC OF ASHEVILLE NC. FOR THE PROJECT KNOWN AS ARTS TRANSIT STATION PAVEMENT AND DRAINAGE REPAIR, AND FURTHER AUTHORIZING THE EXECUTION OF ANY CHANGE ORDERS TO SAID CONTRACT WHICH MAY ARISE DURING EXECUTION OF SAID CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as ART Transit Station Pavement and Drainage Repair Project, City Of Asheville Project # T1301; and

WHEREAS,NHM constructors,LLC OF ASHEVILLE,NC was the lowest responsible bidder for the project; and

WHEREAS, the amount of the agreement is $271,301.00 plus a 10% contingency of $27,130.00 and the monies have been budgeted in the Budget; and

WHEREAS, the bids have been reviewed by the Capital Projects Department and the City's FTA plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $271,301.00 plus a contingency of 10% ($27,130.00) with NHM constructors, LLC OF ASHEVILLE,NC for the contract known as ART Transit Station Pavement and Drainage Repair Project , and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $298,431.00.

Read, approved and adopted this the 12th day of February, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Hoyle
City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-26

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, GRANT FUNDING FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF REDUCING CONTAMINATION IN THE RECYCLING STREAM AND IMPROVE MATERIAL QUALITY

WHEREAS, pursuant to G.S. 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to reducing waste and increasing recycling for Asheville residents; and

WHEREAS, the City of Asheville has an opportunity to support the City's municipal recovery facility, Curbside Management, by reducing contamination in the City's recycling stream and improve material quality; and

WHEREAS,The City of Asheville to apply for a grant totaling $30,000 through N.C. Dept. of Environmental Quality's Community Waste Reduction and Recycling grant opportunity. If awarded,City will be required to provide a cash match of $6,000, or 20% of requested grant funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, and if awarded, accept grant funding of $30,000 from N.C. Dept. of Environmental Quality to reduce contamination and improve material quality within the recycling stream and to execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this the 12th day of February, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 19- 27

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY FAIRFAX AVE AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR MARCH 12, 2019

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way off Fairfax Avenue; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way off of Fairfax Avenue, described as follows:

   An unopened right of way 10' wide located between 700 Haywood Rd (PIN# 9638-24-3333) and 12 Fairfax Ave (PIN# 9638-24-3235) and beginning at Fairfax Ave and terminating at 690 Haywood Rd. (PIN# 9638-24-4269).

2. A public hearing on the question of permanently closing an unopened right-of-way off of Fairfax Avenue, is hereby called for on March 12, 2019, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a March 12, 2019.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley off of Fairfax Avenue. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 12th day of February, 2019.

Magdalen Bowleson
City Clerk

Edward G. Mahe
Mayor

Approved as to form:
Julian P. Norton
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-28

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH GHD CONSULTING SERVICES, INC., FOR PROFESSIONAL ENGINEERING SERVICES FOR THE TREATMENT IMPROVEMENTS AND RESIDUALS DISPOSAL OPTIONS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the City issued RFQ No. 298-WTPOnCallEng on August 11, 2014, advertising the requirements for on-call professional services for water treatment plant projects and GHD Consulting Services, Inc., was selected to provide professional and engineering services for various water treatment plant repair, replacement and expansion projects and the City entered into a Master Agreement with GHD Consulting Services, Inc.; and

WHEREAS, the City wishes to enter into a Supplemental Agreement under the conditions of the Master Agreement to perform professional engineering services for the Treatment Improvements and Residuals Disposal Options Project for the proposed amount of $218,500 plus a 15% contingency in the amount of $32,775 for a total project budget in the amount of $251,275; and

WHEREAS, the funding for the agreement is allocated within the Water Treatment Plant Project in the Water Resources Capital Improvement Projects Fund;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Supplemental Agreement with GHD Consulting, Inc., for the Treatment Improvements and Residuals Disposal Options Project for the proposed amount of $218,500 and further authorizing the execution of any contract amendments or change orders up to 15% above the proposed amount, which may arise during execution of said project.

Read, approved and adopted this 12th day of February, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robert P. Rolfe
City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-29

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. OF ASHEVILLE FOR THE PROJECT KNOWN AS HILL STREET AND BINGHAM ROAD SIDEWALK PROJECT, AND FURTHER AUTHORIZING THE EXECUTION OF ANY CHANGE ORDERS TO SAID CONTRACT WHICH MAY ARISE DURING EXECUTION OF SAID CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as the Hill Street and Bingham Road Sidewalk Project, City Of Asheville Project # X1813; and

WHEREAS,PATTON CONSTRUCTION GROUP, INC OF ASHEVILLE,NC was the lowest responsible bidder for the project; and

WHEREAS, the amount of the agreement is $260,667.50 plus a 10% contingency of $26,066.75,and the monies have been budgeted in the Budget; and

WHEREAS, the bids have been reviewed by the Capital Projects Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $260,667.50 plus a contingency of 10% ($26,066.75) with PATTON CONSTRUCTION GROUP INC OF ASHEVILLE,NC for the contract known as Hill Street and Bingham Road Sidewalk Project, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $286,734.25.

Read, approved and adopted this the 12th day of February, 2019.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 19-30

RESOLUTION AUTHORIZING THE CITY MANAGER TO UTILIZE EXCESS LIABILITY INSURANCE RECOVERY FUNDS FOR PROPERTY AND LIABILITY CLAIMS

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 160A-11 both to enter into contracts and to compromise and settle claims made against the City; and

WHEREAS, In FY19, the City of Asheville (City) received insurance claims expense reimbursements from the City's excess liability carriers for two (2) liability claims that exceeded the City's self-insured retention limit; and

WHEREAS, Said insurance claims expenses reimbursement totaled $301,592.38; and

WHEREAS, the City's self-insured Property & Liability Fund incurred said claims expenses to resolve said claims; and

WHEREAS, the City's self-insured Property & Liability Fund will benefit from the reimbursement of said expended funds to pay for property and liability claims that may arise.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to utilize $301,592.38 in insurance recovery funds for property and liability claims expenses.

Read, approved and adopted this the 12th day of February, 2019.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-31

RESOLUTION IN SUPPORT OF A STATEWIDE INITIATIVE FOR LEGISLATIVE FUNDING TO RE-ESTABLISH A PASSENGER RAIL CONNECTION FOR WESTERN NORTH CAROLINA

WHEREAS, rail service is an integral part of a comprehensive transportation system for the State of North Carolina; and

WHEREAS, economic development, tourism and job creation will benefit through the enhancement of a passenger rail and bus system that serves the citizens of North Carolina and visitors to our state; and

WHEREAS, we applaud the State of North Carolina for development of comprehensive intercity rail and transportation services in urban jurisdictions through the state, and recognize that Asheville and Western North Carolina have been without a passenger rail connection since 1975; and

WHEREAS, there is a vital need to provide a strong and balanced transportation system that promotes freight and passenger service; and

WHEREAS, an increase in state funding for bus-rail service in North Carolina is necessary to connect our small urban and rural areas of the state with the urbanized centers of our state; and

WHEREAS, support by local and state elected officials is essential for the future of alternative transportation in North Carolina, such as the successful Amtrak Thruway bus-rail service between Morehead City and Wilson and between Wilmington and Wilson; and

WHEREAS, support and utilization of transportation improvements by business and commercial interests is essential for the successful deployment of alternative transportation modes in North Carolina, especially in Western North Carolina; and

WHEREAS, this resolution is a vehicle to express the twenty years of unified support of communities and chambers of commerce throughout Western North Carolina for increased statewide funding for bus- rail service; and

WHEREAS, rail and bus linkages between communities and regions within North Carolina establish and strengthen social, historical, commercial and cultural bonds; and

WHEREAS, the average return on investment for the surrounding community for station revitalizations throughout North Carolina is more than one dollar for every dollar invested, as demonstrated in Salisbury, Morganton, Marion, Old Fort and Asheville (with purchase of land); and

WHEREAS, the associated improvements to rail facilities have increased the efficiency and safety of rail service, helped attract new freight traffic and provided environmental benefits by reducing the impact of traffic congestion on North Carolina's highways, particularly Interstate 40; and

WHEREAS, an integrated bus-rail system will enhance accessibility and reliability for citizens, tourists and businesses in Western North Carolina, and by extension to the entire State of North Carolina; and

WHEREAS, North Carolina Department of Transportation's Rail Division has agreed to manage, subject to NC Legislative appropriation, contract development and implementation of Amtrak Thruway bus service between Salisbury and Asheville, similar to the successful Amtrak Thruway bus-rail service in Eastern North Carolina that was intended to be extended to Western North Carolina;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Through the adoption of this resolution, the City of Asheville fully supports the creation of a comprehensive bus-rail system to serve Western North Carolina, that includes sufficient funding by the North Carolina General Assembly to the North Carolina Department of Transportation Rail Division for the proposed Amtrak Thruway bus service between Asheville and Salisbury. This service will be evaluated after two years by Amtrak, the North Carolina Department of Transportation Rail Division, the Western North Carolina Rail Committee Inc and the communities served by the Salisbury-Asheville bus-rail connection.

Read, approved and adopted this 12th day of February, 2019.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

City Clerk

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19- 32

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, Jayden Gurney (resident of Housing Authority property) resigned, thus leaving an expired term until June 30, 2019; and

WHEREAS, Cliff Joslin (South Asheville representative) resigned, thus leaving an unexpired term until June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Kaaren McNulty, 50 Park Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Citizens-Police Advisory Committee (South Asheville representative) to serve the unexpired term of Mr. Joslin, term to expire June 30, 2020, or until her successor has been appointed.

Read, approved and adopted this 12th day of February, 2019.

Magdalen Bruleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Julia P. Rorbuff
CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION NO. 19-33

RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABLE ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the term of Josh O'Connor, as a member of the Sustainable Advisory Committee on Energy & the Environment, expired on December 31, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Chris Pelrine, 122 Courtland Avenue, Asheville, N.C., be and he is hereby appointed to the Sustainable Advisory Committee on Energy & the Environment, to serve a three-year term, term to expire December 31, 2021, or until his has been appointed.

Read, approved and adopted this 12th day of February, 2019.

Magdalen Bouleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Robin P. Rolloff
CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 19-34

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR GENERAL SERVICES AGREEMENT WITH AN OPTION FOR TWO (2) ONE-YEAR RENEWALS WITH CAROLINA MANAGEMENT TEAM FOR THE WATER STORAGE TANK AND PIPE COATING AND MAINTENANCE PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department issued a Request for Proposals (RFP) for the Water Storage Tank and Pipe Coating and Maintenance Project on November 6, 2018; and

WHEREAS, Carolina Management Team was selected by Water Resources staff for the project based on their qualifications, understanding of project scope, cost, and project schedule; and

WHEREAS, the City wishes to enter into a three-year general services agreement with an option for two one-year renewals with Carolina Management Team for the project; and

WHEREAS, the contract amount for Year 1 will be for the proposed amount of $300,496 plus a 10% contingency and Years 2-5 will follow the WRD's 5-year CIP budget of $250,000 annually for this project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a three-year General Services Agreement with an option for two (2) one-year renewals with Carolina Management Team for the Water Storage Tank and Pipe Coating and Maintenance Project for the proposed amount $300,496, and further authorizing the execution of any contract amendments or change orders up to 10% above the proposed amount, which may arise during execution of said project during Year 1, and further authorizing renewal of the agreement for up to an additional four years with each year funded up to $250,000 through the department's CIP process contingent upon funding.

Read, approved and adopted this 26th day of February, 2019.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Julie P. Rorrer
City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 19-35

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING, INC. FOR THE PROJECT KNOWN AS FISCAL YEAR 2019 ASPHALT RESURFACING, CITY OF ASHEVILLE, PROJECT K1901

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 19 Asphalt Resurfacing, City of Asheville Project K1901; and

WHEREAS French Broad Paving, Inc. of Marshall, NC was the lowest responsible bidder for the project; and

WHEREAS French Broad Paving, Inc. shall provide all labor, materials and equipment for the installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $1,875,353.00 plus a 15% contingency of $281,303.00 ($2,156,656.00 total) and the monies have been budgeted in the Public Works 2018-2019 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Coordinator with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $1,875,353.00 plus a 15% contingency of $281,303.00 ($2,156,656.00 total) with French Broad Paving, Inc. for the project known as FY19 Asphalt Resurfacing, City of Asheville Project K1901.

Read, approved and adopted this the 26th day of February, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19-36

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOTOROLA, INC. FOR PUBLIC SAFETY RADIO SYSTEM MAINTENANCE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the N. C. General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City requires maintenance coverage of its public safety radio communications system; and

WHEREAS, the City entered into a service agreement with Motorola Solutions, Inc. in February 2018, to provide security, repair and maintenance on the radio equipment for which the initial warranty has expired; and

WHEREAS, the service agreement is a five year agreement with an option to renew for an additional five years with costs for the first term of the agreement as follows:

FY-18	$226,366	FY-19	$388,053
FY-20	$394,529	FY-21	$401,568
FY-22	$410,171 ;and		

WHEREAS, funding shall be allocated for each successive year of the agreement in the City's annual budget process and approved upon City Council's approval of each fiscal year budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a five (5) year general services agreement with a total cost of $1,820,687 with each yearly amount not to exceed the amounts as set forth above and including an option to renew for one (1) successive five-year period with Motorola, Inc. for the purpose of maintaining the City's radio communications system and associated equipment for an amount not to exceed the City's approved fiscal year budget for each applicable fiscal year period, contingent upon Council approval of each fiscal year budget.

Read, approved and adopted this the 26th day of February, 2019.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19-37

RESOLUTION AMENDING THE 2019 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council will hold their annual retreat on March 8, 2019, beginning at 8:30 a.m. at the Buncombe County Administrative Building, located at 200 College Street, Asheville, N.C.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 26th day of February, 2019.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19-38

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE MEN'S GARDEN CLUB OF ASHEVILLE ON CITY-OWNED PROPERTY AT 80 HARDESTY LANE

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for such terms and conditions as the council sees fit, for periods of up to 10 years; and

WHEREAS, the City of Asheville is the owner of real property located on Hardesty Lane, identified as PIN #966831996600000; and

WHEREAS, the City of Asheville agrees to lease to the Men's Garden Club of Asheville approximately 0.50 acres of land, for a five year term with one renewal of four years; and

WHEREAS, the Men's Garden Club has offered to provide supplies and in-kind landscape maintenance services to the City of Asheville; and

WHEREAS, the proposed terms and conditions are in compliance with the City's "Real Estate Lease Guidelines for City-owned Real Property";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and execute a Lease Agreement between the City of Asheville and the Men's Garden Club of Asheville for a 0.50 acre portion of the land at 80 Hardesty, PIN #966831996600000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 26th day of February, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Valerie P. Peterson
City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 19-39

RESOLUTION ADOPTING THE TREE & RIPARIAN ENHANCEMENT PLAN

WHEREAS, The City Council of the City of Asheville recognizes that the public welfare and interest of the City includes a vision for a Clean and Healthy Environment, as defined in the 2036 Council Vision; and

WHEREAS, Sec. 7-3-10 of the city's Unified Development Ordinance authorizes the Asheville Area Riverfront Redevelopment Commission to conduct regular evaluations and updates for ...the Wilma Dykeman Riverway Master Plan and all other plans affecting the French Broad River and Swannanoa River areas within Buncombe County; and

WHEREAS, City Council has heard the Asheville Area Riverfront Redevelopment Commission's 2017 Annual Report priorities to support partnerships that improve water quality and the riparian environment; and

WHEREAS, Council accepted a $60,000 grant award from Duke Energy's Water Resources Fund to engage the community in the development of a plan to improve water quality in the French Broad River Watershed; and

WHEREAS The plan was unanimously supported for approval by the Asheville Area Riverfront Commission on September 13, 2018, City Council's Planning and Economic Development Committee on July 23, 2018, and the Planning and Zoning Commission on January 14, 2019; and

WHEREAS, on February 26, 2019, the Asheville City Council reviewed the Tree & Riparian Enhancement Plan at a Public Hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Tree & Riparian Enhancement Plan is hereby adopted as a stand alone plan and as an update to the Wilma Dykeman RiverWay Master Plan.

Read, approved and adopted this 26th day of February, 2019.

Magdalen Bullison
City Clerk

Edwin E. Marle
Mayor

Approved as to form:

Julie P. Rorhoff
City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 19-40

RESOLUTION AUTHORIZING THE ADOPTION OF A CITY DOWN PAYMENT ASSISTANCE POLICY THAT INCLUDES $1M IN FUNDING FROM THE HOUSING BOND AND $400,000 IN FUNDING IN PARTNERSHIP WITH THE FEDERAL HOME LOAN BANK OF ATLANTA'S COMMUNITY HEROES DOWN PAYMENT ASSISTANCE INITIATIVE

WHEREAS, pursuant to N.C.G.S. 160A-456, the City is authorized to engage in and expend funds for community development programs and activities that assist persons of low and moderate income; and

WHEREAS, the City of Asheville's Community Development Department has been assigned the task of developing and facilitating a Down Payment Assistance (DPA) Program as part of the $25M Housing Bond passed by the voters in the City of Asheville as the Affordable Housing General Obligation Bond funds in November, 2016; and

WHEREAS, City Council allocated $10M of the $25M available to direct project investment in affordable housing; and

WHEREAS, City Council further recommended, upon issuance of the General Obligation Bond, that $1M of the $10M be allocated for Down Payment Assistance; and

WHEREAS, City Council approved the allocation of the $10M, including $1M for Down Payment Assistance, in August, 2017, Resolution No. 17-198; and

WHEREAS, a Down Payment Assistance policy was created to include this $1M to assist individuals and families earning 80% of the Area Median Income (AMI) or less in their pursuit of homeownership and paid out in adherence to the DPA Policy; and

WHEREAS, an additional source of DPA funding was secured from the Federal Home Loan Bank of Atlanta's (FHLBA) Community Heroes Initiative to assist full time employees of the City of Asheville and Asheville City Schools, with household income between 80% and 120% of AMI adjusted for family size in their pursuit of homeownership in adherence to the DPA Policy; and

WHEREAS, this funding in partnership with FHLBA will consist of a total of $400,000, with $100,000 in funds from the FHLBA as well as $300,000 from the Housing Trust Fund, pursuant to Resolution 18-272 and adopted on October 23, 2018, and paid out in adherence to the DPA Policy; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the adoption of a Down Payment Assistance Policy containing two sources of funding, $1M in Bond funds for assisting individuals and families making under 80% AMI, and $400,000 in partnership with the FHLBA for assisting full time employees of the City of Asheville and Asheville City Schools with incomes between 80% and 120% AMI, as adjusted for family size and in accordance with the terms of the Policy.

Read, approved and adopted this 26th day of February, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
City Attorney

Magdalen Bowlesson
City Clerk

City of Asheville Down Payment Assistance Policy

I. POLICY STATEMENT & PROGRAM FUNDING

The purpose of the City of Asheville's Down Payment Assistance (DPA) program is to provide residents of the City of Asheville and those who want to become residents of the City of Asheville with affordable homeownership financing opportunities to help improve their quality of life and the quality of life for all residents of the Asheville community.

Funding for the DPA Program described herein comes from two sources. These policy guidelines apply to both sources of DPA funding except as specifically noted in the policy. DPA funding for eligible individuals must come from one of the two types of funding listing below. DPA funding sources cannot be combined.

- **Bond Funding: $1,000,000**

In January 2016, Asheville City Council created a 20-year vision for the city to reflect Asheville's unique character and the aspirations for the community, which included Quality Affordable Housing. In an effort to assist lower-wealth families gain access to homeownership opportunities, the City of Asheville allocated $1M in Bond funds for Down Payment Assistance as part of a larger $25M Housing Bond approved by voters in a ballot referendum in November, 2016. Funds for this $1M Bond funded DPA program must be distributed by October 31, 2023.

- **Federal Home Loan Bank Atlanta Community Heroes Funding: $400,000**

In partnership with the Federal Home Loan Bank of Atlanta (FHLBA), the City of Asheville has created another funding source for Down Payment Assistance focused on our "Community Heroes". Eligible City of Asheville and Asheville City Schools employees qualify for these funds. Funds for this $400,000 funded DPA program have a potential expiration date of March 1, 2020.

II. PROGRAM DESCRIPTION

The DPA Program is specifically designed to increase homeownership in the City of Asheville by loaning funds to eligible individuals for Down Payment Assistance to help lower their monthly mortgage payment to an affordable amount.

DPA funding is intended for individuals and families who could not purchase a home without this additional funding or could not afford a monthly mortgage payment without the DPA funding. For purposes of the DPA program, an affordable monthly mortgage payment is one that

does not exceed 33% of the individual or family's monthly gross income. Ideally, all eligible DPA funding will avoid the purchase of Private Mortgage Insurance (PMI) for the buyer which can make a mortgage payment unaffordable.

III. ELIGIBILITY REQUIREMENTS

This section addresses the eligibility requirements for those borrowers seeking DPA assistance (the "Borrower"). Unless specifically noted below, the eligibility requirements are the same for Borrowers regardless of the funding source.

A. Funding Eligibility Requirements: As DPA fund sources cannot be combined, the Borrower must qualify under one but not both of the two following categories:

- **Bond Funding**: Bond Funding is available for any individual or family who meets all other eligibility requirements and is a low or moderate income individual or family with a gross income(s) at or below 80% of the area median income (AMI) as defined and published by the Department of Housing & Urban Development (HUD) annually, as adjusted for family size. Borrowers will be required to provide documentation to verify the determination of their income status with their banker/lender. The current income limits can be identified here or contact the Community Development Department.

    - To further assist lower AMI individuals and families interested in homeownership as well as allow these individuals and families additional time to prepare for homeownership, $500,000 of the $1M in funding will be set aside until *December 31, 2021*, for individuals and families making under 60% AMI. A completed application must be received by the banker/lender requesting DPA no later than December 31, 2021, to hold eligible funds.

- **FHLBA Funding:** FHLBA Funding is available for Borrowers who are current full-time employees of the City of Asheville or Asheville City Schools who have worked for their respective employer for at least twelve consecutive months prior to their applications. Further, such Borrowers and their families, if applicable, must be moderate income individuals and families with gross incomes between 80% and 120% of the AMI as defined and published by the Department of Housing & Urban Development (HUD) annually, as adjusted for family size. Participants will be required to provide documentation to verify the determination of their income status with their banker/lender. The current income limits can be identified here or contact the Community Development Department.

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B. Property Requirements:

- The property to be bought (the "Home") must be within the City Limits of Asheville.
- The home must be the primary residence of the Borrower.
- The Home must be a single-family residence which includes condominiums and townhouses.
- The Home must be inspected by a qualified Certified Licensed Home Inspector and the City of Asheville may require certain repairs in order to provide DPA.
- If the Borrower selects a Home in a flood plain, flood insurance must be obtained in an amount adequate to cover all mortgage loans associated with the home.

C. First-Time Homebuyer Requirement: Borrowers must be first-time homebuyers, meaning that the Borrower may not have owned a home within the past three (3) years.

D. First Mortgage Requirement: A Borrower must be able to obtain a mortgage loan with an eligible lender for the maximum affordable amount. The lending institution must be willing to participate in the Down Payment Assistance Program offered by the City of Asheville and its requirements. The lending institution must, as a part of its mortgage loan, require purchase of property insurance with the City named as an additional insured, and must escrow the insurance payments, as well as the City and County tax payments.

E. Down Payment Requirement: The Borrower must be able to provide at least $1000 in a down payment for the Home from his or her own assets. This cash payment shall not be borrowed. Closing costs may be considered as credit towards the $1000 down payment.

F. Counseling Requirement: Borrowers are required to participate in at least one HUD approved homebuyer education course approved by the bank/lender and designed to assist new homeowners in understanding and fulfilling the responsibilities of homeownership.

G. Asset Requirement: The Borrower must not own any other residential property and must use the Home as the Borrower's primary residence. (An exception may be available for inherited property).

H. Debt to Income Ratio Requirement: The Borrower should not have a Debt to Income Ratio (DTI) higher than 43%.

I. Type of Mortgage: Although not required, a fixed rate mortgage is preferred.

J. Borrower Ineligibility: Any of the following may render a Borrower ineligible for the DPA program even if the Borrower meets all other qualifications. The City is willing to discuss any issue regarding these disqualifying situations with individuals and/or families seeking DPA. The City intends to work with eligible Borrowers in their pursuit of homeownership. Actions that may render a Borrower ineligible include:

- Providing false information on the application.
- Failing to complete required forms or to supply requested information.
- Committing fraud in connection with any City of Asheville program, or failing to disclose previously committed fraud in connection with any City of Asheville program.
- Appearing on HUD's list of suspended, debarred and limited denials of participation.
- Having a record of eviction from any government assisted housing program.
- Having an outstanding debt owed to any Public or Indian Housing Authority.

IV. ASSISTANCE AVAILABLE

Borrowers who receive assistance in the form of a loan under this policy (the "DPA Loan"), will be eligible to receive funds as set forth below. The funds available for DPA Loan for a Borrower will be limited as follows:

A. Maximum Loan Based on Property Value: 20% of the value of the property to be purchased based on a current appraisal (dated within the last 6 months).

B. Maximum Loan Based on AMI: The maximum amount of assistance for each Borrower:

- <=60% AMI - up to $40,000 in DPA
- >60% AMI to <=80% AMI - up to $35,000 for DPA
- >80% AMI to <=120% AMI - up to $25,000 for DPA

C. Maximum Loan Amount shall be the most restrictive of the two limits as set forth above.

D. Minimum Loan Amount: The minimum loan amount for this program is $5000.

V. APPLICATION PROCESSING

The DPA Program is always subject to the availability of funds. Eligible Borrowers that meet all requirements will have funds reserved from the DPA Program once their qualified bank/lender contacts the City of Asheville requesting DPA and provides the completed loan application,

including a copy of the Offer to Purchase and Contract. Funds will be reserved for 60 days and the city may extended upon the request of the lender the reservation for one additional 60 day period.

The City of Asheville staff will review all documentation from the bank/mortgage lender as part of our underwriting guidelines to insure that it is adherent to this Down Payment Assistance Policy. If a discrepancy is discovered in review, City Staff will contact the bank/mortgage lender as well as the applicant to clarify and determine whether the application is in compliance with this DPA Policy.

Should the DPA Program fail to have sufficient funds at the time an eligible Borrower qualifies for such funds, the City of Asheville will maintain a list of eligible Borrowers based on the date and time bank/lender formally requests the DPA and provides the completed application. If funds are unavailable for the Down Payment Assistance Program, the City of Asheville may choose to suspend or discontinue accepting applications until funds become available.

VI. REPAYMENT OF THE DPA LOAN

A. There are **no** monthly payments or interest associated with the City of Asheville's DPA Program loans.

B. The loan will be a 30-year loan. The loan will be in second or third position behind only the qualified bank or lender(s).

C. Unless otherwise set forth herein, repayment of the DPA loan is required when the Home is sold, refinanced, title is otherwise transferred, or the Home ceases to be the Borrower's primary residence. In addition to the repayment of the original DPA loan amount, the Borrower will be required to pay a percentage of the original DPA loan amount based upon the Appreciation Value of the Home as described herein ("the Appreciation Payment").

The Appreciation Value shall be calculated as follows: **(1)** if the Home is sold, the difference between the price of the Home at the time of original purchase and the sales price of the Home at the time of resale; provided however, if the City questions the resale price, the City may, in its discretion, request an independent appraisal; or **(2)** if the Home is refinanced, the difference between the price of the Home at the time of original purchase and the appraised value of the Home at the time of refinance. The Appreciation Payment shall be the percentage that the Appreciation Value represents of the purchase price of the Home at the time of the original purchase.

For example: if the home value has increased by 20% at the time of sale or refinance the Appreciation Payment will be 20% the original loan amount and the total repayment for

the DPA loan will be 1.2 times the original loan amount. Beginning year 21, the Appreciation Payment will decrease by 10 percent annually until year 30.

D. Once the Borrower has been in the Home for thirty (30) years, the DPA loan will be forgiven and no Appreciation Payment will be due.

VII. POST-CLOSING CONDITIONS

The Borrower shall be required to comply with each of the following Post-Closing Conditions. Should the Borrower fail to comply with any of these Post-Closing Conditions, the DPA Loan will be in default and immediately due and payable.

A. **Primary Residence Requirement:** Except as set forth herein, the Home must remain titled in the Borrower's name and be the Borrower's primary residence throughout the term of the DPA Loan. Borrowers will be required to sign an annual affidavit stating the amount of time they lived in the Home as their primary residence during the previous year. If they did not live in the house for at least 11 of the previous 12 months, the DPA Loan will be considered to be in default unless reasonable circumstances can be verified such as military deployment or care for a loved one.

B. **Insurance:** The Borrower shall maintain all insurance coverage required by the lending institution.

C. **Mortgage Compliance:** The Borrower must remain current with all primary mortgage payments. If, for any reason, the primary mortgage loan becomes delinquent, the lender will contact the City of Asheville. Upon receipt of any delinquent notices, the City of Asheville staff may contact the Borrower. This intervention does not, in any way, diminish the Borrower's responsibilities to the first mortgage lender.

D. **Bankruptcy:** Should the the Borrower declare bankruptcy, borrower will be in default of the loan.

VIII. PERMITTED TRANSFER OF HOME

Notwithstanding the above requirements, the DPA Loan will not be in default if the Home is transferred as set forth in this Section and the Transferee uses the Home as Transferee's primary residence.

- Transfer by gift or inheritance to the Borrower's spouse or children;
- Transfer of title due to Borrower's death to a surviving joint tenant;
- Transfer of title to Borrower's spouse as part of divorce or dissolution proceedings;
- Transfer of title or interest in the Home to the spouse in conjunction with Borrower's marriage.

RESOLUTION NO. 19-41

RESOLUTION APPOINTING BRAD R. BRANHAM AS CITY ATTORNEY

WHEREAS, pursuant to N. C. Gen. Stat. sec. 160A-173, the City is required to have a city attorney to be its legal advisor; and

WHEREAS, on September 11, 2018, City Council appointed Sabrina Rockoff, with McGuire, Wood & Bissette, as Interim City Attorney to serve as the Interim City Attorney until a new City Attorney is hired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Brad R. Branham is hereby appointed to the position as City Attorney for the City of Asheville, effective April 8, 2019, with said appointment to be at the pleasure of the City Council and subject to all applicable law.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:
Sabrina P. Rockoff
CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19-42

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2018 GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has previously awarded the City of Asheville the amount of $106,627.00 to act as fiduciary for the Asheville High Intensity Drug Trafficking Areas (HIDTA); and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has awarded an additional $238,789.00 to the City of Asheville as fiduciary for the Asheville HIDTA; and

WHEREAS, the total amount awarded for the Asheville HIDTA 2018 grant equals $345,416.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept an additional grant award of $238,789.00 to act as fiduciary for the Asheville HIDTA and enter into any necessary agreements with Executive Office of the President, Office of National Drug Control Policy.

Read, approved and adopted this the 12th day of March, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-43

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRYANT LAND AND DEVELOPMENT,, INC. FOR THE PROJECT KNOWN AS FISCAL YEAR 2019 ASPHALT PATCHING

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 19 Asphalt Patching, City of Asheville Project K1901; and

WHEREAS Bryant Land and Development, Inc. of Burnsville, NC. was the lowest responsible bidder for the project; and

WHEREAS, Bryant Land and Development, Inc. shall provide all labor, materials and equipment for patching of roads; and

WHEREAS, the amount of the agreement is $175,030 plus a 20% contingency of $35,006 ($210,036 total) and the monies have been budgeted in the Public Works 2018-2019 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Coordinator with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $175,030 plus a 20% contingency $35,006 ($210,036 total) with Bryant Land and Development, Inc. for the project known as Fiscal Year 2019 Asphalt Patching, City of Asheville Project K1901.

Read, approved and adopted this the 12th day of March, 2019.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Pendley
City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19-44

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SLURRY PAVERS, INC. FOR THE PROJECT KNOWN AS FISCAL YEAR 2019 ASPHALT PRESERVATION

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 19 Asphalt Preservation, City of Asheville Project K1901; and

WHEREAS Slurry Pavers, Inc. of Richmond, VA. was the lowest responsible bidder for the project; and

WHEREAS Slurry Pavers, Inc. shall provide all labor, materials and equipment for the preservation treatment of specified roads; and

WHEREAS, the amount of the agreement is $418,359.40 plus a 15% contingency of $62,754.00($481,113.40 total) and the monies have been budgeted in the Public Works 2018-2019 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Coordinator with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $418,359.40 plus a 15% contingency of $62,754.00 ($481,113.40 total) with Slurry Pavers, Inc. for the project known as FY19 Asphalt Preservation, City of Asheville Project K1901.

Read, approved and adopted this the 12th day of March, 2019.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19-45

RESOLUTION AUTHORIZING THE SUEZ OZONE SYSTEM AS A PREFERRED BRAND ITEM FOR THE MILLS RIVER WATER TREATMENT PLANT OZONE FACILITY EQUIPMENT REFURBISHMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 133-3, the City of Asheville may specify a preferred brand item based on performance standards if the preferred item will provide cost savings, maintain or improve the functioning of any process or system affected by the preferred item, or both; and

WHEREAS, the City of Asheville Water Resources Department and the project engineers, CDM Smith, have evaluated the equipment and costs of different ozone options and justify selection of the Suez Ozone System as the preferred brand since they are the only ozone equipment manufacturer that can perform this work;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The written justification for the use of Suez as the preferred brand item for the Mills River Miscellaneous Plant Upgrades Project, Phase I: Mills River Ozone Equipment Refurbishment is approved.
2. The attached specifications for Suez ozone feed equipment and control modules are approved for said Project.
3. The Suez Ozone System is approved to add as an independent line item in the "Unit Price Work" Bid Form when the construction portion of the Project is bid.
4. The Memorandum from the project engineers, CDM Smith, and Suez Ozone System specifications attached hereto as Exhibit "A" be recorded in the minutes of the City Council.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bowerson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowerson
City Clerk

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SECTION 11290
OZONE SYSTEM IMPROVEMENTS

PART 1 GENERAL

1.01 SCOPE OF WORK

A. This Section specifies equipment and services for completing ozone generator and power supply unit (PSU)/control panel (CP) improvements (Improvements) at the Mills River WTP owned and operated by the City of Asheville (Owner). Mills River WTP utilizes a two-stage ozone system used for raw water (pre-oxidation) and settled water (primary disinfection) treatment.

B. The Improvements shall include all services, equipment, and appurtenances required to achieve a complete, fully integrated, and operational ozone system meeting all design conditions, testing requirements, performance guarantees, and warranties, as specified in this Section.

C. The Improvements shall be furnished by Suez/Ozonia North America of Leonia, New Jersey—the original equipment supplier for the existing Mills River WTP ozone system. Suez/Ozonia will be the Ozone System Supplier (OSS) for the Project. The Improvements shall be installed by the General Contractor with OSS supervision as specified herein. In January 2018, a Suez/Ozonia field service representative visited the Mills River WTP to review the ozone equipment and provide equipment replacement recommendations to CDM Smith and the Owner.

D. The Improvements to be furnished by the OSS and installed by the General Contractor with field supervision by the OSS shall generally include:

1. Removal of the existing ozone generator PSUs (Qty: 3) and CPs (Qty: 3). Installation of new IGBT converter/inverter based integrated PSUCP units for three existing ozone generators (OG-1 through OG-3) furnished by the OSS. The integrated PSUCP unit will contain a new Modicon Model M340 PLC with OIT. General Contractor to modify existing concrete equipment pads to accommodate the new integrated PSUCP design. The existing main power feed conductors and conduits shall be reused. Control cable conduit locations and cabling may require relocation/new cabling to accommodate the new integrated PSUCP design. In advance of bid preparation, General Contractor shall coordinate specific panel termination locations with Suez/Ozonia and to coordinate project work, demolition, and new cabling as required. All required conductors, control cabling, and conduits between the existing ozone generator, new PSUCP, and the Owner's existing electrical and instrumentation components shall be furnished by the General Contractor.

2. Installation of new high voltage cables (Qty: 3) between the new PSUCP cabinets and existing ozone generators.

3. Removal and replacement of all existing ozone generator dielectric elements (Qty: 38 per generator) with new AT95 dielectric elements. Twelve spare dielectrics are required. Existing generator internals and fuses shall also be removed and replaced with new components. This work shall be completed by the OSS.

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4. One of the following two (2) options regarding upgrading the remaining ozone system control panels:
   a. Option 1: Replace the existing master ozone PLC CPU (located in the master ozone control panel (MOCP)), the pre-ozone destruct PLC CPU (ODU-1), and the post-ozone destruct PLC CPU (ODU-2) each to the latest version of the Modicon Quantum PLC with the Unity platform. This option shall also include ozone system network upgrades from Modbus Plus to Ethernet IP and re-programming the ozone system to operate in kind with the existing ozone system.
   b. Option 2: Upgrade the existing master ozone PLC with remote I/O (located in the master ozone control panel (MOCP)), the pre-ozone destruct PLC (ODU-1), and the post-ozone destruct PLC (ODU-2) each to the latest version of the Modicon M340 PLC and I/O modules. This option will require removing the existing PLC and I/O wiring and landing the existing I/O wiring to new I/O modules compatible with the M340 hardware. This option shall also include ozone system network upgrades from Modbus Plus to Ethernet IP and re-programming the ozone system to operate in kind with the existing ozone system.

E. The Improvements to be furnished and installed by the OSS (under this contract) shall generally include:

1. Field services by a qualified OSS Field Service Engineer to install new dielectric tubes, internal generator components, fuses, and hardware for three existing ozone generators (OG-1 through OG-3).

2. Provide PLC programming services (including witnessed testing staging) to program the Modicon programmable logic controllers (PLCs) to be provided with the new PSUCPs for the three ozone generators and the new PLC to be provided in the existing MOCP cabinet.

3. Prepare an operations and maintenance manual for the new PSUCP units for the three ozone generators.

4. Coordinate and attend meetings as specified herein with the Engineer and Owner to coordinate the desired ozone control system and system integration.

5. Provide all necessary field installation services and budget sufficient field time to complete all specified Improvements, field testing, and programming services, as summarized above and specified in this Section and Divisions 13 and 16.

F. Improvements to be furnished and installed by the General Contractor or specialty subcontractor (under a separate contract and selected by the General Contractor), with field supervision by the OSS (under this contract) shall generally include:

1. Field services by a certified oxygen/ozone cleaning company (under subcontract to the General Contractor) to clean the ozone piping system associated with piping modifications for the three existing ozone generators (OG-1 through OG-3). Cleaning procedures shall be in accordance with the OSS's recommended cleaning procedures for operating generators.

2. Electrical power distribution and control system modifications for the new PSU/CP units for the three ozone generators (OG-1 through OG-3), including, but not limited to,

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electrical field wiring, raceways, panel boards, 120 volt service to monitors, wiring and raceways from panel boards to monitors, circuit breakers, and starters.

3. For the three ozone generators, remove and dispose of the old high voltage (HV) cables installed between the ozone generator and PSU. Install and terminate the new HV cables being provided by the OSS.

4. Demolition services to remove three existing ozone generator PSU/CP units and all ancillary equipment including, but not limited to equipment, piping, valves, instrumentation, supports, local control panels, and electrical conduit and wire. The Owner will direct the General Contractor on whether decommissioned and removed equipment should be relocated to a storage facility at the Project site, or disposed offsite by the General Contractor.

G. The **Contract Documents** specify the minimum requirements for Improvements. All materials and equipment, including piping, fittings, valves, wiring, conduit, boxes, instruments, supports, equipment, and appurtenances, whether represented on the Drawings or not, as necessary to meet the intent of these specifications and to provide a complete and fully functional ozone system, shall be furnished by the OSS and installed by the General Contractor at no additional cost to the Owner.

1.02 RELATED WORK

A. General Equipment requirements are specified in Division 1.

B. Instrumentation work included as part of the ozone generators and power supply unit/control panels shall meet the requirements of Division 13.

C. Electrical work included as part of the ozone generators and power supply unit/control panels shall meet the requirements of Division 16.

1.03 SUBMITTALS

A. General

1. All submittals shall be provided in accordance with Section 01300 - Submittals and specific requirements of this Section.

2. Where the installation of equipment requires coordination with work performed by others, such coordination shall be clearly identified and indicated on the shop drawings.

3. No work shall be performed in connection with the fabrication or manufacture of materials and equipment, nor shall any accessory or appurtenance be purchased until the shop drawings and data have been reviewed and approved by the Engineer, except at the OSS's own risk and responsibility.

4. Should the OSS propose any item on his shop drawings, or incorporate an item into the work, and that item should subsequently prove to be defective or otherwise unsatisfactory, the OSS shall, at his own expense, replace the item with another item that will perform satisfactorily.

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B. Stage 1 Submittals - Submittals Prior to Fabrication of OSS-Supplied Equipment

1. Ozone Generator Certified Data Curves: Submit certified data curves and tabular data for the refurbished ozone generators showing how unit power consumption (kilowatt hours per pound [kwh/lb]) varies with cooling water temperature and ozone production rate (lb/day). Unit power consumption shall be plotted on the vertical axis and ozone production plotted on the horizontal axis. Curves shall be provided on the plot for open-loop cooling water temperatures at the inlet to the generator of 60, 80, 90, and 95 degrees F at the design cooling water flow rate. The curves shall cover an ozone production range from zero to the design maximum production rate, at an ozone concentration of 6 percent, 8 percent, and 10 percent by weight. These curves will be used to adjust actual power consumption during testing of the generators, in the event that the open-loop cooling water system cannot be operated to maintain the desired cooling water design temperature for performance warranty testing.

2. Equipment Submittals: Submit the following design data for all ozone system equipment to be furnished by the OSS and ancillary equipment, valves, and instruments to be furnished by the General Contractor.
   a. Size, type, number, materials of construction, and arrangement of dielectric tubes and fuses for the refurbished ozone generators.
   b. Information on the following operating characteristics of the three refurbished generators and their respective new power supply units: maximum and minimum working voltage, current, and power; frequency; percent ozone-in-oxygen concentration, optimum ozone production per dielectric tube, and corresponding oxygen flow and power per tube; working oxygen pressure range; maximum gas pressure drops; maximum oxygen temperature increase; cooling water flow; cooling water test and working pressure; cooling water pressure drop through the generator at maximum flow rates and design ozone production capacity; and cooling water temperature increase for each ozone generator.
   c. Manufacturer and model number for each new equipment component, size, type, materials of construction, weight, capacity, pressure rating, and location of pressure and temperature gauges, flow meters, relief valves, etc.
   d. Certified dimensional drawings for new equipment items and auxiliary apparatus shall be furnished including installation drawings and details.
   e. Detailed electrical power and control schematics and wiring diagrams for the new PSUCP and MOCP units and all electrical power and control equipment, power supply unit and control panel front elevation showing all face-mounted instruments, power supply unit and control panel interior layout drawing showing location and purpose of major components and other data as required for a complete installation, including external connectors, wire and terminal numbers. Block diagram of field wiring shall be included.
   f. Native formats for electrical, control, and panel drawings. In order to permit long-term maintenance of the electrical and controls components of the new PSUCP's, provide electrical, control, and panel layouts in editable AutoCAD or Visio format for use of the OWNER at project completion.
   g. Detailed information and/or drawings showing how the new PSUCPs will be protected from voltage distortion.
   h. Cut-sheets for the medium voltage cable and hardware.

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3. Electrical harmonic analysis: Submit detailed electrical calculations for the new PSUCPs demonstrating compliance with the harmonic requirements specified herein.
   a. For the purposes of the harmonic analysis, assume all units are operating excluding any standby units not required to achieve rated system capacity.
   b. Voltage distortion for each condition shall comply with the IEEE 519-2014 total harmonic distortion and notching criteria for General Systems. Current distortion limits shall comply with the individual harmonic order limits indicated in IEEE 519-2014. Full load current shall be based on the submitted equipment characteristics. The OSS is responsible for obtaining all field information required to complete the study.
   c. Location of point of common coupling: 600V bus of the power distribution equipment feeding the power supply unit.
   d. The harmonic analysis shall include:
      1) All input data and assumptions. Provide an impedance diagram illustrating the simulated system.
      2) Explanation of methods used to perform the study.
      3) Explanation of study results with specific recommendations on harmonic mitigation measures that will be implemented to achieve the specified limits.
      4) All calculations and computer printouts used to arrive at the conclusions and recommendations.
      5) Individual PSU harmonic content and the combined total drives harmonic content reflected in the system supply voltage as a percent of the 60 Hz fundamental under actual load conditions from no-load to full load in 10 percent load increments.
      6) A detailed description of the field tests, procedures, and supporting calculations that will be required to verify that the installed systems comply with the THD limits. Include recommended test equipment and test conditions.
      7) Analysis shall be stamped and signed by an electrical engineer registered in North Carolina.

4. Control System Submittals.
   a. Timeliness Requirement. In order to achieve the PSUCP units installation schedule, the Control System Submittals shall be initiated, delivered, and shared early in the project with the Engineer and System Integrator. Content of the Submittals shall be utilized by the System Integrator to plan and implement MOCP hardware and software modifications to permit supervisory control of the OSS-supplied PSU's and updated PLC for the existing MOCP.
   b. Complete documentation of the proposed hardware (PLCs, RIOs, HMIs, computers, communication equipment, cables, peripherals, etc.). A complete Bill of Materials (BOM) listing all digital hardware equipment and respective data sheets shall be provided. Refer to Division 13 for specific information on PLC-related equipment.
   c. System Block Diagram. The block diagram shall reflect the total integration of all digital devices in the system and any human machine interface (HMI) locations. Location of all components shall be clearly identified with appropriate cross-references. It shall reference all interconnecting cabling requirements for digital components of the system including any data communication links.
   d. Panel Drawings. Point to point drawings showing all wiring from PLC I/O modules to final elements. Panel interior layout drawings with dimensions. These drawings may be included in the equipment submittal drawings rather than submitted separately. Panel drawings shall be in AutoCAD, Visio, or other acceptable format for graphical representation of the internal schematics and layouts.

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e. I/O list. Submit I/O list and make available in electronic format (sortable spreadsheet) to General Contractor and the Owner's System Integrator. As a minimum, the I/O List shall include the following information:
   1) FIELD DEVICE TAG NAME: The tag name and number of the instrument or equipment device associated with the I/O point. Tag names shall be as shown on the Drawings.
   2) TAG NAME: The identifier assigned to the I/O point. This identifier shall follow the equipment and/or instrument numbering associated with the I/O point.
   3) DESCRIPTION: A description of the function of the device (text that includes signal source, control function, etc.) Include the text "Spare Points" for all I/O module points that are not connected to devices.
   4) Physical POINT ADDRESS: Rack, Slot, and Point (or Channel) assignment for each I/O point.
   5) LOGICAL POINT ADDRESS: I/O address of each point.
   6) I/O TYPE: use DO - Discrete Output, DI - Discrete Input, AO - Analog Output, AI - Analog Input, PI - Pulse Input, or PO – Pulse Output.
   7) RANGE/STATE: The range in engineering units corresponding to an analog 4-20 mA signal, or, the state at which the value of the discrete points are "1."
   8) ENGINEERING UNITS: The engineering units associated with the Analog I/O.
   9) NOTES: A blank column for notes as needed to clarify the origin or purpose of the I/O point.

f. Software Packages. Submit details of all software packages provided with the PLC and the HMI. Indicate all standard and optional features provided. Include copies of license agreements indicating assignment of licenses to the Owner.

g. Control System Standards and Conventions. Define all standards and conventions that will be used as the basis for development and configuration of the application specific programs for the power supply unit (PSU) control system. As a minimum, the standards and conventions submittal shall include:
   1) System configuration, including network (TCP/IP) addressing. Network addressing shall be defined to enable the MOCP to communicate with the PSU control system.
   2) Software tag naming conventions
   3) Graphic display standards, including color conventions, equipment symbols, display format, samples of each proposed type of graphic display (i.e. overview, detail, diagnostic, tabular, etc.), and control pop-ups.
   4) Alarm configuration standards, including priorities, logging, resetting, etc.
   5) Security configuration standards, including user groups and privileges
   6) PLC software templates, including equipment control, equipment runtime calculations, etc.
   7) PLC code shall be fully commented to describe overall purpose of logic and description of individual programming instructions. An example of minimum level of PLC code documentation is shown in Attachment 11290-A, located at the end of this Section. Other examples can be provided upon request.
   8) System programming and configuration shall not begin prior to approval of the standards and conventions.

h. Operator Interface. Submit all proposed graphic displays. Quantity of graphic displays to be submitted shall be as required to depict all monitoring and control requirements, defined herein and in the Contract Documents.

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i. Process Control Narratives. The process control narratives shall describe the control strategy on a loop by loop basis, and shall cover all of the associated logic developed under this Contract. For each loop, the narrative shall include the following:
   1) A general description of the logic.
   2) A description of the operation and monitoring associated with local control from field switches; local control from the PSU control system (HMI/PLC); and remote control from the MOCP. Include in this section, a description of all operator inputs (setpoints, start/stop/auto, etc.), equipment permissives, interlocks, and safety shutdown conditions.
   3) A description of all alarm conditions, including the priority of the alarms.
   4) Failure contingencies shall be described in detail
   5) Submit in both a Microsoft Word readable electronic file format on CD-ROM, DVD, or flash memory. Include printed copies per project submittal requirements.
   6) System programming and configuration shall not begin prior to approval of this submittal

j. Data Transfer Address List. Submit a complete Data Transfer List defining all software points for communication to/from the replacement upgraded MOCP. Submit in both a Microsoft Word readable electronic file format on a CD-ROM and hard copy. As a minimum, the data transfer list shall include the following information:
   1) TAG NAME: The identifier assigned to the software point.
   2) DESCRIPTION: A description of the function of the device (text that includes signal source, control function, etc.)
   3) LOGICAL POINT ADDRESS: Software address of each point.
   4) POINT TYPE:
      a) DO - Discrete Output is written to the PSU control system by the MOCP.
      b) DI - Discrete Input is read from the PSU control system by the MOCP.
      c) AO - Analog Output is written to the PSU control system by the MOCP.
      d) AI - Analog Input is read from the PSU control system by the MOCP.
      e) Pseudo Point. A logical variable communicated between the MOCP and PSUCP controller.
   5) DATA FORMAT. Include format of the data transferred (ie integer, floating point, discrete maintained, discrete momentary, etc.
   6) RANGE/STATE: The range in engineering units corresponding to an analog 4-20 mA signal; or, the state at which the value of the discrete points are "1."
   7) ENGINEERING UNITS: The engineering units associated with the Analog points.
   8) NOTES: A blank column for notes as needed to clarify the origin or purpose of the software point.

k. Programming Code.
   1) Programming Code shall be in Function Block format.
   2) Provide PDF copy of programming code and graphics at a 75% to 90% estimated completion milestone. Purpose is to confirm programming standards have been followed and control functions are adequately commented.

l. Loop diagrams and data sheets for all instruments installed inside the new PSUCPs.

5. Testing Submittals. Provide submittals of PSU control system related test plans for:
   a. Factory acceptance testing (FAT)
   b. Operational readiness testing (ORT)
   c. Functional demonstration testing (FDT)

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d. Final software configuration Submittals. The final documentation at project completion shall include printed diagrams of the code and function blocks as PDF files. Final narrative documentation shall be in MS Word® format. Provide two submittals of program code and HMI graphics and configuration (in native software electronic format and as PDF files).
e. At final acceptance.

6. At completion of Warranty Period. Complete written step-by-step PSUCP system operating description.

7. Itemized bill of materials for all ozone generator, PSUCP and MOCP PLC components to be furnished by the OSS.

8. Proposed field test procedures, prepared in sufficient detail to fully describe the specific tests to be conducted and quantities to be measured, as specified in PART 3.

9. Description of manufacturer's standard prime and finish coating for all ozone system equipment components.

10. Recommended spare parts and cost information.

11. Approximate shipping weight of the equipment and, if shipped unassembled, the number of components and approximate weight of each.

12. Manufacturer, size, and type of equipment anchors for the new PSUCP units, including supporting engineering calculations.

13. Complete written procedures to be followed for shop and field cleaning of skid-mounted piping and equipment for oxygen and ozone service. The procedures shall be submitted with a letter certifying that the proposed procedures have been reviewed and approved by a qualified oxygen cleaning company.

14. Additional electrical, control, and instrumentation submittal information, as required in Division 13.

C. Stage 2 Submittals - Submittals Prior to Delivery of OSS-Supplied Equipment

1. No delivery of equipment shall take place until Stage 2 Submittals have been reviewed and approved by Engineer.

2. All Stage 2 Submittals for the new PSUCP and PLC equipment shall be in compliance with Section 01730 – Operating and Maintenance Data.

3. Each PSUCP O&M Manual shall include, but not be limited to, the following:
   a. Diagrams and illustrations.
   b. Detailed description of the function of each principal component of the system.
   c. Performance and nameplate data.
   d. Installation instructions.
   e. Procedure for starting.
   f. Procedure for proper adjustment of equipment.

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g. Test procedures.
h. Procedure for operating.
i. Shutdown instructions.
j. Emergency operating instructions and troubleshooting guide.
k. Safety precautions.
l. Maintenance and overhaul instructions that shall include detailed assembly drawings with part numbers, parts list, instructions for ordering spare parts, and complete preventive maintenance instructions required to ensure satisfactory performance and longevity of the equipment.
m. Lubrication instructions that shall list points to be greased or oiled; shall recommend type, grade, and temperature range of lubricants; and shall recommend frequency of lubrication.
n. List of electrical relay settings, control and alarm contact settings, and instrument settings.
o. Electrical wiring and interconnection diagrams for equipment furnished, including all control systems.

D. Stage 3 Submittals - Submittals After Installation of OSS-Supplied Equipment

1. Provide written notification to the Engineer at least 30 days prior to start of functional demonstration testing (FDT), and site acceptance testing (SAT) of the refurbished ozone generators, new PSUCPs, and replacement MOCP PLC in accordance with the requirements of Division 1 and this Section.

2. Submit written test reports to Engineer within 5 days of completion of FAT, FDT, and SAT of the refurbished ozone generators in accordance with the requirements of Division 1 and this Section.

3. No equipment shall be shipped from its place of manufacture before the FAT report has been approved by the Engineer.

4. The OSS shall submit a supplemental summary report presenting the results of harmonic field testing of the Ozone System, including field data from harmonic testing.

5. Submit written field reports of manufacturer's representative site visits in accordance with the requirements of Division 1 and this Section.

6. Final documentation O&M manuals. Electrical and Control schematics and Panel layouts shall be provided in native AutoCAD® or Visio® format in addition to the specified formats for O&M documentation. Soft copies of the AutoCAD® / Visio® diagrams shall be furnished to Engineer on CD, DVD, or Flash Memory.

1.04 REFERENCE STANDARDS

A. IEEE Standard 519 (2014) - Recommend Practice and requirements for Harmonic Control in Electrical Power System

B. National Electrical Code (NEC)

C. National Electrical Manufacturers Association (NEMA)

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D. Underwriters Laboratories of United States (UL)

E. Where reference is made to any of the above standards, the revision in effect at the time of bid opening shall apply.

1.05 OSS COORDINATION MEETINGS

A. Schedule two OSS coordination meetings as described herein. The meetings will be held at the Owner's designated location and shall include attendance by the Owner, Engineer, General Contractor, Owner's System Integrator (SI), OSS's Project Engineer, and the OSS's Applications Engineer, if applicable.

B. For each scheduled coordination meeting, submit a meeting agenda for review and comment by the Engineer and Owner. The meeting agenda shall be submitted a minimum of one week prior to the scheduled meeting date.

C. Meeting No. 1. A project kickoff coordination meeting shall be held jointly with the General Contractor within two weeks after submitting the Notice to Proceed. The meeting duration will be up to a day (8 hours) in duration. The purpose of the meeting shall be to discuss the following topics:

1. Project Plan and Schedule
2. OSS's understanding of the project
3. Programming requirements for ozone process control for the ozone generator (PSUCP) PLCs, ODUs and PDU.
4. Proposed substitutions or alternatives
5. Schedule testing and delivery deadline dates
6. Coordinate hardware and software related issues
7. Request any additional information required from the Owner.

D. Meeting No. 2. The OSS shall schedule and administer a three-session meeting to discuss Control System Submittals, Software Standards and Conventions, and Data Transfer coordination. The workshop will be scheduled after the stage 1 submittals have been initially processed and will last approximately 4 to 8 hours.

1. The Control System Submittals session will discuss:
   a. Review comments made on the submittal package
   b. Review scheduled deadline dates
   c. Coordinate equipment installation activities
   d. Coordinate field testing and startup activities.
2. The standards and Conventions session will include Engineer/Owner input for the standards, conventions and methodologies to be used in the development of the application

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specific programs and configuration of the system. It will cover both PLC programming standards and HMI graphic display standards.

a. The OSS will present templates, samples from other projects, an initial screen list, and samples of system navigation tools to the Owner for consideration. The OSS shall bring a working system to allow for a live demonstration of the various software tools.
b. The OSS shall document the agreements reached in this meeting as part of the Control System Standards and Conventions Submittal content.

3. Data Transfer Session.
   a. The Data Transfer session will discuss data transfer methodology between the PSUCP control system, MOCP, and PLC-2 (SCADA interconnect from the MOCP). As a minimum, the following topics will be addressed:
      1) Specific data points to be transferred.
      2) Data addressing and communication network/driver.
      3) Data formats.
   b. The OSS shall document the agreements reached in this meeting as part of the Data Transfer Address List Submittal contents.

1.06 OZONE GENERATION PROCESS CONTROL STRATEGY

A. The automatic control strategy for operating the refurbished ozone generator and new PSUCPs, and replacement MOCP PLC at Mills River WTP shall be the same constant concentration control (CCC) strategy currently used for the existing ozone generation system. The OSS shall program the new PLCs for the PSUCPs along with the new MOCP PLC. The OSS shall provide a fully functional and automated ozone system. The Owner's System Integrator shall be available to answer coordination questions regarding MOCP communications back to PLC-2.

1.07 OZONE CONTROL STRATEGIES PROGRAMMING RESPONSIBILITIES

A. In general, the OSS shall program the replacement master ozone control panel (MOCP) PLC and SCADA HMI along with the new PSUCP PLCs and OITs.

1. OSS programming responsibilities will include, but not be limited to:
   a. A time delay of one to two hours before generator power reduces to 50% when nitrogen feed supply has stopped. The plant also has the option of operating the generators at 6% ozone concentration if the nitrogen system down time is greater than two hours and greater than 50% capacity is required. The generators can operate without nitrogen at 6% concentration or below.
   b. Ozone gas flow control to the pre-ozone (POZ) and settled water ozone (SOZ) contactors.
   c. POZ set point dose will be input by operators with ORP and ozone residual trim adjustment.
   d. SOZ set point dose will be input by the operators with dose-trim adjustment by on-line disinfection calculations.
   e. Automated adjustment of ozone concentration set point for minimum gas flow control
   f. Generator power setting calculated from required ozone production. The SCADA HMI display will be populated by OSS coding the SCADA HMI to receive the "internal calculation details" by OSS.
   g. Ozone system startup. This programming will occur in the MOCP.
   h. Alarms on SCADA HMI screen. This programming will occur in the MOCP.

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i. The operators will be able to initiate ozone start that will include Normal Start that includes Pre-Purge, or Quick Start that eliminates Pre-Purge. Automatic controls shall provide the ability for Emergency Start also with elimination of Pre-Purge (called Hot Standby).
j. OSS shall prepare the SCADA and MOCP HMI Screens.
k. Rapid start of lag generator upon lead unit failure. OSS shall program the lag generator start without purging.

l. Automatic startup and shutdown of generators without disrupting ozone dose during switchover.
m. Purge valve control within the PSUCP.
n. Power calculation within the generator.
o. Generator restart after power fault. This may be a result of voltage spike or other reasons. The PSUCP will be programmed to restart for a selected number of time (5 tries) before alarming and the lag generator is started.
p. The OSS shall program the ODU PLCs to regulate the speed of the ODU compressors to maintain an operator adjustable setpoint pressure at the program selected lowest pressure (vacuum) sensor input.
q. The OSS shall also provide programming to monitor and alarm treated gas (off-gas) exhaust from the ODU unit.
r. The OSS shall prepare the HMI screens for the PSUCP and ODU equipment to be furnished by the OSS.

1.08 PERFORMANCE GUARANTEES AND SUPPLEMENTARY WARRANTY PROVISIONS

A. The OSS shall guarantee that the "Total Measured and Weighted Specific Energy" per pound of ozone produced for the refurbished ozone generator/PSU, as determined by the testing procedures specified in Generator Performance Warranty Testing in Part 3 of this Section, will not exceed the following design values (Guaranteed Total Specific Energy values):

1. For the refurbished ozone generators and new PSUCPs (OG-1 through OG-3):
   a. 4.5 kWhr/lb of ozone produced at 10 percent concentration at a design open-loop cooling water temperature of 95 degrees F and generator cooling water flow of 16 gpm.
   b. 3.65 kWhr/lb of ozone produced at 6 percent concentration at a design open-loop cooling water temperature of 95 degrees F and generator cooling water flow of 16 gpm.

B. The installed Improvements as defined in PART 1, including new or refurbished ozone generator and PSUCPs equipment, shall be warranted against defects in work quality and material for a minimum period of two years after Notice of Acceptance, following successful startup and submittal of the final function demonstration test report.

C. A 10-year extended warranty shall be provided for new dielectric tubes and fuses installed in the refurbished generators. All dielectric tubes and fuses, in excess of 0.1 percent of the total number of dielectric tubes and fuses installed in each ozone generator, that fail during the first 5 years of normal operation from the date of start-up shall be replaced by the OSS within 72 hours of notification at no additional cost to the Owner. The warranty shall cover all parts, labor, and service provided by the OSS.

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D. A 5-year extended warranty shall be provided for the power supply unit inverters for the new PSUCPs covering all parts, labor, and service provided by the OSS.

E. The OSS shall guarantee that the harmonic mitigation equipment provided with the new PSUCPs shall meet the requirements of IEEE Standard 519 (2014) for the voltage and current distortion and line notching, and that harmonic distortion limits shall not exceed the values specified thereto for General Systems.

1.09 ELECTRICAL CONNECTIONS/EQUIPMENT

A. The OSS shall furnish and install all 120/240 volt and 480 volt electrical conduit, wire, and motor control equipment, communication cables, fiber optic cables, and any other connections for prewiring of and making provisions for external interconnections to any skid-mounted equipment for Improvements, as specified in this Section. The OSS shall furnish high voltage cable between the new PSUCP units and refurbished ozone generators.

B. The General Contractor will furnish and install all non-skid, non-supplied equipment mounted 120/240 volt and 480 volt electrical raceways, cables, wire, and motor control equipment, communication cables, fiber optic cables, and any other connections needed to complete the ozone system, as specified in this Section. The Contractor will install and terminate high voltage cables and provide all necessary raceway or cable tray system for installation.

C. All equipment/installation shall comply with Divisions 13 and 16.

1.10 PIPING AND PIPING/EQUIPMENT CONNECTIONS

A. The OSS shall furnish all piping, valves, and appurtenances needed for all skid-mounted equipment for Improvements.

B. The General Contractor shall furnish and supervise installation of all piping, valves, and appurtenances needed for all non-skid mounted equipment for Improvements, plus the outlet valve, sample line and purge-to-destruct piping systems installed in the refurbished generators as shown on the Drawings.

1.11 OZONE AND OXYGEN SERVICE

A. All equipment, pipe, fittings, valves, analyzers, seals, gaskets, valve seats, instrumentation, and associated appurtenances to be used with oxygen or ozone-in-oxygen gas shall be cleaned, sealed, and protected in accordance with Compressed Gas Association (CGA) publication G-4.1 "Cleaning Equipment for Oxygen Service" (1996), and certified for oxygen service before shipping to the Plant Site.

B. All equipment, valves, valve seats, analyzers, seals, gaskets, welds, instrumentation, and all associated appurtenances to be used with oxygen and ozone-in-oxygen shall be resistant to degradation and gas losses due to the use of these gases.

C. Greases and lubricants shall be oxidation resistant, Dupont "Krytox" or approved equal.

D. Items cleaned prior to shipment to the construction site shall be properly packaged for protection from contamination. Written instructions shall be provided for storage at the site

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prior to installation. Pre-cleaned items shall not require further cleaning after installation only if they meet the requirements of CGA publication G-4.1, latest edition. Equipment that is delivered pre-cleaned and packaged and that is subsequently contaminated while onsite shall be cleaned as specified herein and all costs associated with such cleaning shall be borne by the General Contractor.

1.12 DELIVERY, STORAGE, AND HANDLING

A. Shipment, protection, and storage shall be as specified herein.

B. All equipment shall be crated, delivered, and uncrated to protect against any damage.

C. All parts shall be properly protected so no damage or deterioration shall occur during a prolonged delay from the time of shipment until installation is completed and the equipment is ready for operation.

D. Finished iron or steel surfaces not painted shall be properly protected to prevent rust and corrosion.

E. The finished surfaces of all exposed flanges shall be protected by wooden blank flanges, strongly built and securely bolted thereto.

F. Factory assembled parts and components shall not be dismantled for shipment unless permission is received in writing from the Engineer.

G. Shipping Precautions

1. After completion of shop assembly, factory test, and approval, all equipment, cabinets, panels, and consoles shall be packed in protective crates and enclosed in heavy duty polyethylene envelopes or secured sheeting to provide complete protection from damage, dust, and moisture. Dehumidifiers shall be placed inside the polyethylene coverings. The equipment shall then be skid mounted for final transport. Lifting rings shall be provided for moving without removing protective covering. Boxed weights shall be shown on shipping tags together with instructions for unloading, transporting, storing, and handling at jobsite.

2. Special instructions for proper field handling, storage, and installation required by the OSS for proper protection, shall be securely attached to the packaging for each piece of equipment prior to shipment. The instructions shall be stored in resealable plastic bags or other acceptable means of protection.

3. All equipment supplied for the Project shall be shipped to the jobsite via a dedicated air ride van(s).

H. Storage

1. Storage of equipment on site following delivery shall be the responsibility of the General Contractor. Equipment shall not be stored outdoors. Owner has interior storage available in the ozone building for the new PSUCPs and dielectrics. Equipment, including in-line equipment, shall be stored in dry permanent shelters and adequately protected against

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mechanical injury. If any apparatus has been damaged prior to delivery at the site, such damage shall be repaired by the OSS at his own cost or expense. If any equipment is subjected to possible damage by water, it shall be thoroughly dried and put through such tests as directed by the Engineer. Any damage to equipment following delivery to the site shall be repaired or replaced at the cost and expense of the General Contractor.

2. The OSS shall coordinate with the General Contractor concerning delivery of equipment to the site to minimize the time that the equipment is to be stored on site prior installation.

I. All computer, instrumentation, and control equipment shall be delivered, stored, and handled in compliance with Division 13.

1.13 MAINTENANCE

A. Tools and Spare Parts

1. Furnish one set of all special tools, for normal operation and maintenance of the ozone system equipment to be furnished by the OSS. Tools shall be packed in lockable steel cases clearly identified on the exterior as to contents.

2. Furnish all spare parts recommended by the OSS for normal operation and maintenance of the ozone generator and power supply unit. As a minimum, the following spare parts shall be furnished:

a. A supply of dielectric tubes equal to 10 percent of the total number of installed dielectric tubes for the three ozone generators beyond those broken during initial shipment and installation.

b. A supply of fuses equal to 20 percent of the total number of installed fuses for the three generators.

c. One complete replacement set of fuses and one complete set of field replaceable control circuit boards for one ozone generator power supply unit.

1.14 UTILITIES

A. The General Contractor shall remove electrical service from the existing PSUCPs to be demolished and reinstall electrical service to the new ozone generator PSUCPs at 480 volt, 3 phase, 60 Hz as specified under Division 16.

PART 2 PRODUCTS

2.01 OZONE GENERATION SYSTEM IMPROVEMENTS - GENERAL

A. Three Ozone generator/PSUCPs (OG-1 through OG-3) shall be refurbished by the OSS. The refurbishment work shall include the following:

1. Installation of new PSUCP units furnished by the OSS. The PSUCP shall be Ozonia Model XXXX with IGBT-based power supply components.

2. Installation of a high voltage (HV) cable and conduit between the new PSUCP and each ozone generator. Cables shall meet the requirements of Division 16. The OSS shall

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furnish the high voltage cable for installation by the General Contractor. The General Contractor will install and terminate cable, and shall furnish and install the conduit or cable tray for the high voltage cables with oversight and supervision by the OSS.

3. Complete replacement of the existing AT-95 ceramic dielectric tubes, fuses, high-voltage hardware (rods, insulators, bushings, etc.), and O-rings for ozone generators OG-1 through OG-3 with new components furnished by the OSS using the latest IGS-based dielectrics, which shall be compatible with the IGBT-based PSUCP.

4. Field services by a qualified OSS Field Service Engineer to inspect the three stainless steel ozone generator vessel for internal corrosion, pinhole leaks, improper welds, etc., and supervise any field repairs prior to installation of internal generator components.

B. Each of the three refurbished Ozone Generators (OG-1 through OG-3) shall meet the following design requirements:

Ozone Generator Rated Capacity and Design Ozone Concentration for Generator	130 lb/day at 10% by wt 115 lb/day at 6% by wt
Ozone Concentration Range	6 to 10%
Maximum Gas Side Temperature Rise	20 degrees F
Maximum Cooling Water Temperature Rise	8 degrees F
Maximum Cooling Water Rated Pressure at Inlet to Generator	30 psi
Maximum Cooling Water Flow per Generator	16 gpm
Maximum Open Loop Cooling Water Inlet Temperature to Generators	95 degrees F
Minimum Ozone Generator Operating Outlet Pressure	18 psig
Minimum Vessel Gas Side Design Pressure Rating	36 psig
Minimum Vessel Water Side Design Pressure Rating	36 psig

C. The ozone generator electrical equipment shall be designed in such a way that the power factor shall not be less than 0.95 at all load levels. Internal high-voltage wiring and a double high-voltage insulator shall be provided on the vessel wall for connection to the power supply unit. The ozone generators and associated power package shall be designed to provide a 3-phase balanced electrical load.

D. Power cabling between the high voltage transformer in the PSUCP and the ozone generator shall be shielded, EPR insulated, with PVC jacket rated for the appropriate voltage service and shall, as a minimum, meet ANSI and UL requirements. Power cables shall terminate at the generator within a NEMA sized and UL approved termination box. Termination shall be made using compression lugs and prefabricated stress cones as specified in Division 16. Cables shall be furnished with all required high voltage bushings, ground wires, and ground bushings or

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lugs. Exposed power terminations will not be allowed. Connections to generator junction box and transformer junction box will be made by the contractor. Field testing of cables shall be conducted under this Section by the OSS and shall be witnessed by the Contractor.

2.02 OZONE GENERATION SYSTEM IMPROVEMENTS – OZONE GENERATORS

A. The new dielectrics for the refurbished ozone generator vessels shall meet the following design requirements.

1. The ozone generator dielectric tubes shall be constructed to resist thermal shock and to evenly distribute the applied electrical charge over the entire dielectric surface without arcing. The dielectric tube shall be formed from ceramic, with a certified voltage breakage strength of not less than 1.5 times the maximum possible operating voltage under design temperature and applied power conditions. Dielectric tubes shall be protected by individual fuses to prevent shorting dielectric tubes from damaging the shell and tube structure of the ozone generator. The dielectric tubes shall be connected to the incoming power with Type 316L stainless steel conductors.

2. Each dielectric shall be individually fused with fuses capable of blowing within a time compatible with the necessary protection of all components of the power supply unit. When a dielectric fails, the short circuit created during the time necessary for the fuse to blow shall not lead to any damage to the shell or power supply unit components. The impedance of the load shall be continuously monitored and compared to the factory set limits leading to the shutdown of the ozone generator when the limits are reached. This protection shall be configured so that the generator will automatically stop when 10 percent of the dielectric tubes are not powered due to dielectric tube failure and/or individual fuse failure. Current measurement circuitry, integral to the ozone power supply, shall indicate when maintenance is required due to multiple dielectric tube failures. Fuses shall be designed for long service life and shall not be degraded by continuous exposure to ozone or high purity oxygen.

3. The dielectrics in each ozone generator shell shall be properly supported and mechanical stops shall be provided, as necessary, to prevent movement of the dielectric tubes when a gas pressure surge occurs in the generator shell due to failure of the pressure regulating control valves on the inlet piping to each ozone generator. The safety relief valve system shall be designed to avoid pressure surges in the generator shell and prevent movement and breakage of the dielectrics.

4. The existing once-through open-loop cooling water system shall continue to be used for cooling the refurbished ozone generators with no change in cooling water flow rate or design temperatures.

2.03 OZONE GENERATION SYSTEM IMPROVEMENTS - POWER SUPPLY UNITS

A. New power supply units (PSUCPs) shall be furnished for the three ozone generators (OG-1 through OG-3). The PSUCPs shall contain ozone generator electrical and control components, as specified below, in a single NEMA 4X rated enclosure.

B. The PSUCP enclosure shall include, but not be limited to, a 480 volt, 3 phase, 3 wire power supply line disconnect switch, an input isolation transformer, a power controller, rectifier,

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inverters, reactor, output high voltage transformer, harmonic mitigation equipment, control equipment, and instruments. The overall dimensions of the fully installed PSUCP enclosure shall fit within the area shown on the Drawings. All necessary high-voltage wiring and protection devices in each of these enclosures shall be furnished and installed in the package prior to shipment to designated locations. All components, current carrying and otherwise, shall be designed to limit their surface temperature to a maximum of 120 degrees F when the ozone generator is operating at rated power capacity. The maximum height of the new PSUCP units shall not exceed the height shown on the Drawings.

C. All power supply current carrying components shall be sized to carry not less than 120 percent of the amperes anticipated when the ozone generator is operating at Rated Capacity. The applied electric voltage field shall not, under any loading conditions, exceed 67 percent of the certified breakdown voltage of the dielectric tubes supplied. The power supply shall have adjustable built-in current limitation capability to limit the current to the value required at 110 percent of the design capacity of the ozone generator, to prevent damage to the power supply or vessel, which could result from an overload condition or a short circuit in the vessel. The power supply units shall be based on IGBT-based active front-end converters to achieve specified harmonic distortion limitations including asynchronous distortion limitations. Active harmonic filters for harmonic mitigation may be installed internal to the PSUCP and in the PSUCP input circuit where the filters are a standard component of the PSUCP. The interrupting rating of the main circuit breaker shall not be less than 65 KAIC.

D. The PSU Control Panel and other enclosures associated with the PSUCPs shall be constructed in accordance with this Section. Each power supply unit enclosure shall be of NEMA 4X construction offering free and ready access to all enclosed components for maintenance and operational purposes. The enclosures shall be designed to limit sound pressure production to 83 dBA in any direction at a distance of 5-ft while operating under full load condition.

E. The entire forced air cooling system shall be contained within the confines of the PSUCP cabinet. The system shall include all necessary ductwork, appurtenances, power distribution, and controls. The system shall draw warm enclosure air through a filter, and cool and discharge the air to PSUCP components, all within the confines of the PSUCP cabinet. Filters shall be of the disposable type and shall be readily accessible for easy replacement. The heat exchanger shall be constructed of copper coils and all associated piping, fittings, and valves shall be constructed of PVC piping and/or Swagelok PB-12 flexible tubing. Provision to collect and drain accumulated condensation from the fan coils shall be provided. Drain, vent, and isolation valving for all fan coils in addition to incoming and outgoing cooling medium temperature gauges and sight glasses shall be provided. Sight glasses shall be protected from accidental breakage. Cooling systems or coils shall not be located directly above electrical devices or in any position where condensation could drip on electrical components. All cooling components shall be housed within the confines of the PSUCP cabinet.

F. The new PSUCP shall be mounted on a common base. The skid shall be structural steel system meeting the requirements of ASTM A36 and capable of safely supporting and handling the specific equipment. Each supporting system shall be equipped with boltholes to allow the supports to be seismically secured to a concrete slab or equipment pad. The skids and/or supports shall be factory assembled, primed, and finish painted.

G. The power supply enclosure shall have separate compartments for low voltage, high voltage, control, and forced air or direct conductive cooling equipment, as applicable. Sufficient

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separation between cooling equipment and other compartments shall be provided to protect electrical components in the event of cooling equipment failure. Compartment design shall be in accordance with recognized industry standards such as UL and NEMA. Interchangeable plug-in printed circuit boards and power conversion components shall be used in the design wherever possible. All plug-in contacts shall be gold or silver-plated.

H. The control panel section of each PSUCP shall be accessible from the front of the enclosure through an approximately full-size gasketed door with stainless steel, three-point latch and hinges.

I. The new PSUCP shall be capable of varying the ozone output from a nominal 10 percent to 100 percent of the design capacity at variable ozone-in-oxygen concentrations ranging from 6 percent to 10 percent, within the design limits required in this specification.

J. The power supply shall present a balanced 3-phase load to the incoming power. The PSUCP shall maintain the power factor between unity and 0.95 lagging when the generator is operating between 10 percent and 100 percent of design capacity.

K. PSUCP components shall be conservatively sized with respect to design operating current and frequency to ensure long operating life under the operating conditions specified herein.

L. Transformer insulation system shall be designed for a maximum ambient temperature of 40 degrees C, an average coil rise of 115 degrees C and a coil hot spot of 30 degrees C (i.e., 185 degrees C system or better). However, transformer design shall be conservative such that average coil rise does not exceed 80 degrees C at the transformer's rated kVA capacity. Transformers shall be dry-type; explosion resistant; fire resistant proof; sprinkler proof with vacuum pressure impregnation (VPI), VPE, or cast coil construction; copper windings; UL label; and transformer thermal protection package to provide alarm and automatic shutdown of PSUCP for transformer over temperature.

M. The new PSUCP shall be designed to provide stable, reliable, and continuous operation with 480 VAC, 3-phase, 60Hz power input conditions described below:

1. Electrical power system, voltages ranging from plus 10 percent to minus 10 percent of nominal electrical system voltage.

2. Electrical power system frequency ranging from plus 3 Hz to minus 3 Hz of nominal electrical system frequency.

3. Electrical power system transients caused by voltage dips, sags, and swells. The PSUCPs shall ride through 30 cycle voltage transients without shutting down.

N. The new PSUCPs shall be provided with all appropriate protective shutdown interlocks against damage to the PSUCP and generator under reasonably foreseeable events and shall include as a minimum the following:

1. An automatic current limitation device to limit the current controlled by the PSUCP under any operating condition, including surge and short circuit conditions, to the maximum combined design current of the PSUCP and generator.

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2. An automatic ramp up control limiting the speed of rate of change from one power setting to another.

3. Overvoltage protection of the rectifier and inverter.

4. Overvoltage protection of the generator, of the smoothing capacitor and of the low voltage resonant circuit capacitor (if applicable).

5. Overfrequency protection.

6. Overcurrent protection.

7. Automatic shutdown on high temperature in the incoming isolation and high voltage transformers.

8. Fail-safe control circuits to maintain last control settings upon failure of control logic.

9. A safety interlock shall be provided on the power supply cabinet to prevent ozone generator operation while the power supply enclosure doors are open. Interlock features shall be provided to allow designated PSUCP enclosure doors to be opened by trained technicians when PSUCP is energized.

10. The use of a parallel-type inverter will be acceptable. Appropriate internal protection devices, comparable to those specified above, shall be provided to ensure the specified protection.

O. Protection from Voltage Distortion and Line Notching

1. The new PSUCP shall be designed and provided with devices and equipment to protect the PSUCP from voltage source distortion and line notching.

2. The new PSUCP shall be designed to operate and function normally from a voltage source that may contain up to 5.0 percent THD with individual frequency voltage harmonics ranging up to a maximum of 3.0 percent.

3. The new PSUCP shall be designed to operate and function normally from a voltage source that may contain multiple line notches ranging in size up to the maximum limits defined in IEEE 519-2014.

4. Refer to IEEE 519-2014 for additional voltage source distortion characteristics that impact PSUCP operation and under which the PSUCP must operate and function normally.

P. Voltage Distortion and Line Notching Limitations

1. Each single and combined set of new and existing PSUCPs shall be designed to limit production of voltage line notches to a size smaller for each notch than the maximum limits defined in IEEE 519-2014.

2. Each single and combined set of new PSUCPs shall be designed to limit its production of voltage distortion at the defined point of common coupling to the limits defined in Table 1

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of IEEE 519-2014. The point of common coupling for voltage distortion calculations and tests is described herein.

3. Detailed calculations, data, and information shall be supplied with submittals to show how voltage distortion and line notching limitations are met.

Q. Current Distortion Limitations

1. Each single PSUCP and combined set of new and existing PSUCPs shall be designed to limit generation of current harmonics to reduce current distortion.

2. Current harmonics generated by the maximum number of PSUCPs, each operating at full output, shall have magnitudes that are less than or equal to those defined in Table 2 of IEEE 519-2014. The point of common coupling (PCC) for current harmonics calculations and tests is defined herein. Detailed calculations, data, and information shall be supplied with submittals to show how current distortion limitations are met.

R. Harmonic Mitigation Equipment

1. Provide harmonic mitigation equipment to reduce power system harmonics levels to those specified in Paragraphs 2.03.Q and 2.03.R as well as to prevent power system resonance conditions.

2. Harmonic mitigation equipment shall be phase shift transformers, isolation transformers, harmonics filters, multi-pulse inverters, or other as required to meet the specified requirements.

3. Harmonic mitigation equipment for each PSUCP shall be installed within the maximum PSUCP dimensions specified herein.

4. Harmonic testing of the new PSUCP, as specified in PART 3, shall determine whether additional harmonic mitigation equipment is required to meet the limits defined herein. Additional harmonic mitigation equipment shall be provided by the OSS, if necessary, to meet these limits, at no additional cost to the Owner.

S. PSUCP Main Disconnect Device and Interlocks

1. The new PSUCP shall be provided with a standard type main disconnect device.

2. The new PSUCP main disconnect device assembly shall be interlocked with external auxiliary sources of power (120 VAC) that are connected to the PSUCP. When the PSUCP main disconnect device is in the "open" position, auxiliary sources of power shall be disconnected and isolated from the PSU.

3. The new PSUCP shall be provided with features and devices to discharge PSUCP components with stored energy such as capacitors when the main disconnect device is placed in the "open" position.

4. The main disconnect or other device assembly shall withstand and protect the new PSUCP from fault currents internal to the PSUCP. The disconnect switch blades shall be

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externally visible from outside the enclosure. Fault withstand for the main circuit shall be greater than or equal to 65kA RMS.

5. Provide multi-function digital protection relay with CTs and PTs if necessary to trip the PSUCP main protection device when a fault is detected internal to the PSUCP. Where a fused contactor is provided as a part of the main disconnect device, the protection relay shall coordinate with PSUCP fuses to assure correct protection. Where a molded case circuit breaker is provided with electronic trip device, the multi-function digital protection relay is not required.

6. Additional Features:
   a. Interlocked access door to prevent access to live parts when energized.
   b. External operating handle.
   c. Guard PSUCP incoming 480 volt feeder circuit power terminations from accidental human contact when enclosure door is open.
   d. Cable compartment dimensions shall be suitable for bending and attachment of 480 volt feeder cables to main power disconnect device assembly.
   e. Quick make, quick break over toggle switch operating mechanism.

T. Grounding

1. Provide copper ground bus within each PSUCP.

2. Ground bus shall extend continuously in lower portion of each PSUCP.

3. Connect PSUCP equipment and component ground points to the PSUCP ground bus.

4. Connect PSUCP enclosure, frame, doors, and metal surfaces to the PSUCP ground bus to assure a completely grounded enclosure meeting the requirements of CEC and WSBC.

5. Provide accessible connection points at opposite ends of the PSUCP ground bus for connection of facility 4/0 bare copper ground cable routed by installation General Contractor from plant ground grid. A total of two ground connection points are required at the PSUCP ground bus for attachment of ground cable terminated with NEMA copper two-hole compression terminal lugs.

6. Provide PSUCP drawing with submittals that show PSUCP equipment, components, and enclosure ground connections to PSUCP ground bus. Drawing shall show facility ground cable connection points on PSUCP ground bus along with access points in PSUCP enclosure.

U. Wiring

1. Wiring shall be run enclosed in plastic wireway wherever possible. Wireways shall be installed as required to enclose panel wiring. Where the use of plastic wireway is not practical, conductors shall be bundled and run open. Conductors run open shall be bundled and bound at regular intervals not to exceed 6" with nylon ties, or approved equal. Wires within a bundle are to be run parallel to one another and not twisted. Bundles shall have a uniform appearance, circular cross section, and shall be securely fastened to the panel framework. Conductors carrying different voltages that are from the same source may

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occupy the same wireway provided all are insulated for the maximum voltage of any conductor in the wireway. Wiring carrying voltages that originate at different source shall not run in the same wireway.

2. Wireways shall be insulated for the maximum voltage of any conductor in the wireway. Wiring carrying voltages that originate at different source shall not run in the same wireway. Wireways shall be color coded as follows:
   a. 24VDC shall be routed in a wireway with a Light Grey or Purple Color cover.
   b. 48VDC shall be routed in a wireway with a Blue Color cover.
   c. 120VAC shall be routed in a wireway with a White Color cover.
   d. 480VAC shall be routed in a wireway with a Black Color cover.

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2.04 OZONE GENERATION SYSTEM - INSTRUMENTATION AND CONTROL

A. The new PSUCP shall be furnished with an integrally-mounted PLC. Each PSUCP shall include a Modicon M340 PLC system and an Operator Interface Terminal (OIT) from the same manufacturer as specified in Division 13. I/O signals to be transmitted to and from the PSUCP and the MOCP PLC (MPLC) shall be as specified in this Section. The PSUCP shall include all control and protective devices and functions as recommended by the OSS for a complete and operational system; however, as a minimum, the PLC and OIT shall incorporate the following general control concepts to allow interface with external systems and devices:

1. Local/Off/Remote (LOR) modes of control:
   a. Hand mode (implemented via control logic within the PSUCP):
      1) When a particular generator is placed in Local Mode, all equipment associated with that generator shall be in hand mode.
      2) Start and stop is manual. The generator produces ozone in response to a manually entered value on the OIT. The ozone production corresponds to a 0 percent to 100 percent setting selected manually at the OIT.
      3) Generator oxygen inlet valve and cooling water inlet valves are manually operated via OIT implemented controls.

2. Remote Mode (implemented via control logic within the MPLC and PSUCP PLC):
   a. Generator starts and stops in response to automatic control signals transmitted from the MPLC when operating in CCC mode, as specified in PART 1.
   b. In CCC mode, generator power level is controlled by a PID controller within the PLC that varies the voltage of the PSU to maintain an operator-entered setpoint ozone concentration. The generator PLC shall be programmed to receive signals from the existing ozone high concentration analyzers for ozone generators OG-1 through OG-3 for comparing measured ozone concentrations to setpoint concentrations.
   c. Cooling water valves shall operate automatically for cooling the refurbished generators. For the refurbished generators, the cooling water inlet valve shall modulate to meet cooling water demands based on generator power levels, with control from the generator PLC.

3. OFF mode shall place the Generator and PSUCP and the associated valves Out-of-Service.

B. Protective devices shall function in both the "Local" and "Remote" positions of the LOR switch. At a minimum, all protective devices provided with the existing power supply units, shall also be provided for the new PSUCP, plus any additional devices recommend by the OSS for proper operation of the PSUCP and generator equipment.

1. Provide dedicated EMC mains interference filtering and surge protective device sized for control power PLC and OIT circuits. This shall be separate from and in addition to the UPS. The UPS shall be Sola STFV Plus series, Phoenix Contact SFP series or equal. Filter and surge protection shall be located between the control power circuit breaker and the panel maintenance bypass switch. Control power circuit shall have a breaker prior to filtering device.

2. Provide external 120 volt, 20 amp single phase make before break maintenance bypass switch, so that PLC can be powered through filter and surge protective device if UPS is removed for maintenance. Eaton BPE01, or equal.

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3. Provision for future external UPS circuits. A future project may include a central UPS. The PSUCP shall have the ability to receive an external 20 Amp UPS circuit. The circuit shall have terminals, a breaker, and be able to be connected in the future so as to replace the function of the individual UPS.

C. A local OIT shall be provided with the new PSUCPs for the three ozone generators. At a minimum, the software indicators, functions, and graphical displays shall be the same as that provided with the PSUCPs for the existing ozone system, plus any additional devices recommended by the OSS for proper operation of the PSUCP and generator equipment.

D. Coordination with MOCP PLC Replacement. The existing MOCP shall be modified to provide supervisory control to the new PSUCPs. The OSS shall provide a complete and fully functional Ozone control system.

1. Confirming communications between the MOCP controls and the new M340 processor being installed in the new PSUCPs. Implement control logic from the MOCP into the PSUCP operations. The MOCP may be a Modicon-based processor or use a communications gateway to facilitate communications to the new PSUCP's.

E. The OSS is responsible for developing the MOCP and existing Ozone System modifications to facilitate communication with the new PSUCPs. The OSS is responsible for supplying hardware for these anticipated MOCP modifications in order to provide a fully functional ozone system.

F. The power supply monitoring instruments (plus or minus 2 percent accuracy) shall be as follows:

1. Incoming voltage meter with phase selector switch.

2. Incoming amperage meter with phase selector switch.

3. Incoming power meter (kW).

4. Outgoing frequency meter (Hz).

5. Outgoing DC voltage meter (actual high voltage going to ozone generator after high voltage step-up transformer. Provide appropriate potential transformers).

6. Outgoing DC current meter (amperage going to ozone generator after high voltage step-up transformer. Provide appropriate current transformers).

G. The PSUCP shall be factory mounted on the PSUCP skid and factory wired to all PSU skid-mounted components. Panel construction shall be NEMA 4X to match power supply construction. Internal and external components, assembly, and workmanship shall be as specified in Division 16.

H. Power Supply Control

1. Power supply on/off operation shall be controlled within the body of the power supply enclosure using a main line contactor. Circuitry shall be provided to ramp thyristor

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"gating" to a minimum level prior to the contactor opening or closing. Power supply shall be equipped with main line and thyristor fuses for short circuit and overload protection.

2. Power supply branch circuit feeders will originate at Owner's 480-volt power distribution equipment. The branch circuit feeder will be suitably protected from faults and overloads and a padlockable disconnecting means will be provided in accordance with the NEC at the power distribution equipment.

3. Signal isolation shall be provided.

I. All data transfer (e.g., alarms, status, analog values, control signals, etc.) between the PSUCP-LCP/OIT and the ozone MOCP (MPLC) shall be conducted digitally via the PSUCP PLC.

PART 3 EXECUTION

3.01 INSTALLATION

A. Equipment

1. All equipment will be installed by the General Contractor in compliance with instructions and recommendations of the manufacturer.

2. Installation shall include furnishing the required oil and grease for break-in and for initial operation. The grades of oil and grease shall be in compliance with the manufacturer's recommendations.

3. Once installation is completed the equipment shall be cleaned and lubricated, where required, in preparation for testing and field painting.

4. Field tests shall not be conducted until such time that the entire installation is substantially complete and ready for testing.

5. A written certification from the OSS, stating that installation of the equipment is satisfactory, equipment and control system is ready for operation, and operating personnel have been suitably instructed in the operation, lubrication, and care of each unit, shall be submitted.

6. All wiring shall be numbered at both ends with heat shrinkable wire markers.

3.02 INSPECTION AND TESTING

A. Onsite testing procedures shall be coordinated as specified herein. If tests need to be repeated due to failure of the equipment to meet the specified performance requirements, then the OSS shall pay for any and all costs incurred, including the Engineer's costs, for any repeat testing. The Owner will not pay for any additional costs due to non-performance of equipment.

B. Field testing workshop. A workshop shall be held two to six weeks prior to field testing of new or refurbished individual equipment components for the ozone system. The purpose of the

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workshop is to discuss the specifics of the OSS's proposed tests and to provide a forum for coordinating the required field-testing. The workshop can coincide with the scheduled delivery of the PSUCP or other on-site installation or checkout activity of the OSS installation or startup team. Duration is expected to be 2 to 4 hours, with an agenda by the OSS that discusses the approved test plans, schedule, validation procedures, and any special needs or considerations in conducting the various tests. Meeting notes by the OSS will include an updated testing schedule and updated test plans, if appropriate.

C. Instrumentation and Measurements

1. The OSS shall provide all personnel, instruments, and other supplies necessary for conducting all Ozone System tests prior to Substantial Completion.

2. Clamp-on power factor meter and 3-phase watt meter shall be provided to monitor the electrical feed to the PSUCPs during testing.

3. Gas flow shall be measured using existing flow meters to be calibrated by the OSS prior to testing.

D. When the Ozone System equipment has been completely installed, inspected, and operationally tested as specified, equipment acceptance tests shall be performed by the OSS and equipment manufacturer in the presence of the Engineer as follows:

1. General
   a. Field testing shall include an Operational Readiness Test (ORT) and Functional Demonstration Test (FDT) for new or refurbished ozone system equipment components.
   b. Each test shall be performed using a cause and effect format. The person conducting the test shall initiate an input (cause), the systems or subsystem produces a result (effect), and if the result is correct, the specific test requirement is considered satisfied.
   c. All tests shall be conducted in accordance with prior Engineer-approved procedures, forms, and checklist. Each specific test to be performed shall be described and a space provided after it for sign-off by the appropriate party after its satisfactory completion.
   d. Signed copies of the test procedures, forms, and checklists will constitute the required test documentation.
   e. Provide all special testing materials and equipment. Wherever possible, perform tests using actual process variables, equipment, and data. Where it is not practical to test under these conditions, provide suitable means of simulation. Define these simulation techniques in the test procedures.
   f. The OSS shall coordinate all testing with the Engineer, General Contractor and System Integrator.
   g. The OSS shall furnish the services of field service engineers, all special calibration and test equipment, and labor to perform the field tests.

2. Operational Readiness Test
   a. Loop/Component Inspections and Tests: All equipment and piping improvements to the ozone system shall be checked for proper installation, calibrated and adjusted on a loop-by-loop and component-by-component basis by the OSS following field

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installation, to demonstrate and document the system is in conformance with related submittals and these specifications.

b. The OSS shall maintain the Loop Status Reports and Components Calibration sheets at the jobsite and make them available to the Engineer at any time.
c. Point by point checkout shall as a minimum include and duplicate the checkout conducted in FAT.
d. The Engineer reserves the right to witness the ORT conducted by the OSS. The Engineer will review and initial all Loop Status Sheets and Component Calibration Sheets and spot-check their entries periodically and upon completion of the tests. Any deficiencies found shall be corrected.
e. The ORT report, including all final and initialed test sheets, shall be submitted to the Engineer for approval within 5 days of completion of the ORT.

3. Functional Demonstration Test
   a. Prior to the FDT, the Ozone system, including all instrument and control system improvements, shall be certified by the OSS that it is ready for operation. All preliminary testing, inspection, and calibration shall be complete as defined in the ORT. The intent of the FDT is for all responsible parties, working together, to prove the installed system operates in accordance with the specifications.
   b. Once the facility has been started up and is operating, the FDT shall be performed on individual ozone system equipment improvements to demonstrate that each component is operating and in compliance with these specifications. Each specified function shall be demonstrated on a paragraph -by-paragraph and loop-by-loop basis. During testing, the OSS shall be present.
   c. In the event of rejection of any part or function of an OSS furnished system, the OSS shall perform repairs or replacement within 5 days.
   d. Updated versions of the documentation specified to be provided for during the FDT shall be made available to Engineer at the jobsites both before and during the tests. In addition, one copy of all O&M Manuals shall be made available to the Engineer at the jobsites during testing.
   e. The FDT report, including all final and initialed test sheets, shall be submitted to the Engineer for approval within 5 days of completion of the FDT.

E. Generator Performance Warranty Testing (PWT)

1. The OSS shall guarantee that the refurbished ozone generator/new PSUCP shall perform at the ozone production rates and at the weighted factors listed in Tables 11290-1 and 11290-2 and meet the specified maximum power and cooling water consumption rates presented in PART 1 of this Section.

2. The PWT shall be performed by Suez with a pre-approved testing plan. The Engineer reserves the right to attend the PWT for each generator and PSUCP.

3. The refurbished ozone generator and new PSUCPs shall be tested to determine power consumption and ozone production characteristics. The existing nitrogen boost system will be used for testing at gas flow rates specified by the OSS. The ozone system equipment shall be tested in accordance with the following procedures:
   a. Each ozone generator/PSUCP will be tested under actual operating conditions, to determine that the operation is satisfactory and the power consumption and ozone production characteristics are completely developed. For each test, three consecutive

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readings at each power loading or production level shall be taken and recorded at 15-minute intervals for each ozone generator, after steady-state ozone production conditions have been attained.

b. Each ozone generator/PSUCP will be tested while maintaining 10 percent constant ozone concentration by varying oxygen flow as required to produce ozone at 20, 40, 60, 80, and 100 percent of the ozone generator rated production capacity. All tests shall be performed at the design cooling water flow rate and generator open-loop cooling water temperature of 95 degrees F.
c. Each ozone generator/PSUCP will be tested while maintaining 6 percent constant ozone concentration by varying oxygen flow as required to produce ozone at 20, 40, 60, 80, and 100 percent of the ozone generator rated production capacity. All tests shall be performed at the design cooling water flow rate and generator open-loop cooling water temperature of 95 degrees F.
d. Additionally, each ozone generator/PSUCP will be operated at its rated capacity at an ozone-in-oxygen concentration of 10 percent continuously for 4 hours. Readings of the test data specified above shall be taken every 15 minutes for the duration of the 4-hour period.

4. For each generator/PSUCP the recorded data will include the time, oxygen flow rate, compressed air flow rate (from nitrogen boost system), inlet oxygen pressure and temperature, ozone-in-oxygen concentration, ozone production, power consumption, power factor, cooling water flow rate, cooling water inlet and outlet high temperatures, and nitrogen flow rate. The ozone concentration shall be monitored using the existing high concentration ozone-in-oxygen analyzers. The analyzers will be field calibrated using the "Iodometric Method for the Determination of Ozone in a Process Gas," approved by the International Ozone Association, 1998. Ozone generator inlet gas flow will be determined with the installed orifice plates on each ozone generator using delta-pressure readings from a calibrated portable meter supplied by the OSS. Cooling water flow and temperature will be determined using field-calibrated instrumentation.

5. Incoming power to the PSUCP will be determined using a portable calibrated power meter supplied by the OSS. A calibration certificate shall be provide with the power meter. The power meter and calibration shall meet the following requirements:
   a. The meter shall be calibrated against a standard which is certified through the National Bureau of Standards. Documentation shall be submitted that proves both the instrumentation calibration and the certification of the standard within the past calendar year.
   b. The instrumentation used to monitor power consumed shall be true Root Mean Square (RMS) reading and not affected by harmonics content of the power system.
   c. The overall accuracy of the power monitoring instrumentation shall be less than or equal to one percent including any potential and current transformers used.

6. Based on PWT results, performance curves and tabular data will be prepared for refurbished ozone generator/new PSUCPs that define the relationship between specific energy consumption (in kWhr/lb ozone) and ozone concentration (in percent weight) for the power settings, production rates, and ozone concentrations specified for performance testing. This information shall be included in the field test report and used to confirm programming of the generator power control loop.

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7. Prior to the PWT, the General Contractor shall clean and dry the ozone generators in compliance with cleaning procedures specified in this Section, including the inside of all pipes, valves, and fittings. The dielectric tubes shall be thoroughly dried by purging dry oxygen through the ozone generators. Nitrogen gas shall not be used for purging the ozone generators prior to performance tests.

8. The failure of any ozone generator to produce the minimum and maximum ozone production rates, or to meet specified power efficiency requirements, will be grounds for failing the PWT. If a failed performance test occurs, the Owner, at his discretion, may reschedule a second test within a reasonable time after the first failed factory test. The OSS shall be responsible to pay all travel and living costs and normal billing rates for Engineer to witness the second PWT. No additional PWT re-tests will be allowed for failed tests and liquidated damages, as specified herein will apply.

F. Calculation of Liquidated Damages

1. Liquidated Damages will be assessed and levied on the OSS if the temperature-adjusted "Total Measured and Weighted Specific Energy Consumption" for each ozone generator exceeds the specified value in PART 1 of this Section. Two separate PWT tables will be prepared based on PWT results as follows:
   a. Generators OG-1 through OG-3 at $\geq$ 10 % wt
   b. Generators OG-1 through OG-3 at $\geq$ 6 %wt

2. The four tables will be examined to determine which table has the highest power exceedance. Liquidated damages will be determined from the table that has the highest power exceedance and data for the other three tables will be ignored.

3. Liquidated damages for "Excess Specific Energy" performance warranty testing will be assessed at a rate of $67,000 per excess kWhr/lb of ozone produced or any fraction thereof. This sum represents the additional electrical costs that the Owner will incur to operate the refurbished generators in the ozone system over a period of 20 years based on power cost of $0.08 per kWhr, discount rate of 5 percent, inflation rate of 3 percent, capital cost recovery factor of 15.96, and average ozone production rate of 115-lb/day.

3.03 HARMONIC TESTING

A. Testing for PSUCPs

1. The OSS shall install filters as necessary on the new PSUCPs to meet the limits specified by IEEE 519 and as specified herein.

2. Harmonics testing will be performed for a period of one month to test for compliance with IEEE 519, by a qualified independent testing facility using pre-approved meters. This testing will be paid for by others.

3. The OSS shall provide additional filtering equipment if compliance to IEEE 519 is not shown in the testing. The equipment shall be retested as noted above at no additional cost to the Owner.

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3.04 CLEANING

A. Upon completion of Improvements, the ozone generation and piping systems shall be field-cleaned in accordance with CGA-4.1 for ozone and oxygen and service. The General Contractor shall engage a specialty subcontractor for the performance of the work, who will submit the following as a minimum;

1. Details of the cleaning procedure and documentation of at least 5 years of successful procedures in similar facilities. Include references with telephone numbers and contacts.

2. Quality control documentation formats detailing daily documentation of the procedure as performed, residual cleaning chemical analysis, and inspection reports.

3. A project-specific plan detailing which sections of the pipe are to be cleaned and in which order.

4. The manufacturer's recommended cleaning procedure for operating generators when vessels are opened and dielectrics are changed, as the generators are already cleaned for oxygen service and should not go through the same extensive cleaning when dielectrics are changed as this will remove the required oxide coating on the SS tubes.

5. The above shall be submitted within 90 days of Notice to Proceed, and shall be subject to the approval of the Engineer and the OSS.

B. Cleaning shall be accomplished through the introduction of detergents, high-velocity steam, and pigs as necessary to remove hydrocarbons and other deleterious substances. Vapor phase processes will not be acceptable. The piping shall be cleaned in segments not exceeding 100 LF in length. The Contractor or specialty subcontractor shall install jumpers, temporary piping, blind flanges, etc. as necessary to perform the work. The cleaning process shall not pass through ozone generators, destruct units, instruments, or other items of equipment that are specified to be ozone-cleaned prior to shipment to the site, with the exception of valves. Gross moisture shall be removed and the system shall be dried with nitrogen to a dewpoint of minus 90 degrees F, or per the recommendations of the OSS, and sealed. No exception to this requirement shall be permitted. The Contractor shall be responsible for disposal of all residual cleaning chemical products and wastewater offsite.

C. Upon completion of the cleaning procedure, the Contractor, subcontractor, and OSS shall inspect the interior of the pipe to ensure compliance with the cleaning requirements. The inspection shall include, as a minimum, visual examination, wipe-testing as described in CGA specifications, and ultraviolet lamping. When the above has been successfully completed, the Contractor shall submit the following:

1. The specialty subcontractor's quality control reports.

2. Reports of physical inspection of the piping, including marked drawings indicating inspection points.

3. A letter from the specialty subcontractor certifying that the work is in compliance with CGA specifications.

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4. A letter from the OSS stating that inspection of the system indicates that the work is acceptable.

D. The above shall be completed prior to the beginning of ozone system startup. The cleaning subcontractor shall be Astropak (Chesapeake, VA), Haliburton (Duncan, OK), or approved equal.

3.05 MANUFACTURERS' REPRESENTATIVES REQUIREMENTS

A. Table 11290-3 establishes the minimum time required for the OSS manufacturer's representative to be at the jobsite to meet the installation, inspection, testing, and training requirements of this Section and the individual equipment Sections. The specified labor and trip requirements are in addition to those required for completing the Improvements specified in this Section including PSUCP installation, dielectric removal, cleaning supervision, and dielectric installation, and for performing ORT and FDT testing, as specified in PART 3 of this Section.

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TABLE 11290-1

OZONATION GENERATOR/PSU PERFORMANCE WARRANTY TEST FORM
OZONE GENERATOR OG-1 THROUGH OG-3 AT 10% OZONE-IN-OXYGEN CONCENTRATION

1	2	3	4	5	6
Generator Production Test Point	**Test Point Weight**	**Weighted Production**	**Measured Specific Energy**	**Measured and Weighted Specific Energy[1]**	**Measured and Weighted Energy[2]**
lb/day	**%**	**lb/day**	**kWhr/lb**	**kWhr/lb**	**kWhr/day**
130	20%	26			
115	20%	23			
100	20%	20			
85	20%	17			
70	20%	14			
Total	100%	100			
Total Measured and Weighted Specific Energy, kWhr/lb[3]					
Total Measured and Weighted Energy kWhr/day[4]					
Total Specified and Weighted Specific Energy, kWhr/lb				4.5	-
Total Specified and Weighted Energy, kWhr/day				-	450
Excess Specific Energy Value, kWhr/lb					
Excess Energy Value, kWhr/day					

1 Multiply Column 4 by Column 2.
2 Multiply Column 4 by Column 3.
3 Sum the measured values in Column 5.
4 Sum the measured values in Column 6.
5 All tests to be conducted with open-loop cooling water temperature < or = 95 degrees F.
6 All tests to be conducted at ozone-in-oxygen concentration equal to or greater than 10%.
7 All tests to be conducted at maximum cooling water flow rate of 16 gpm.

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TABLE 11290-2

OZONATION GENERATOR/PSU PERFORMANCE WARRANTY TEST FORM
OZONE GENERATORS OG-1 THROUGH OG-3 AT 6% OZONE-IN-OXYGEN CONCENTRATION

1	2	3	4	5	6
Generator Production Test Point	**Test Point Weight**	**Weighted Production**	**Measured Specific Energy**	**Measured and Weighted Specific Energy[1]**	**Measured and Weighted Energy[2]**
lb/day	**%**	**lb/day**	**kWhr/lb**	**kWhr/lb**	**kWhr/day**
130	20%	26			
115	20%	23			
100	20%	20			
85	20%	17			
70	20%	14			
Total	100%	100			
			Total Measured and Weighted Specific Energy, kWhr/lb[3]		
			Total Measured and Weighted Energy kWhr/day[4]		
			Total Specified and Weighted Specific Energy, kWhr/lb	3.65	
			Total Specified and Weighted Energy, kWhr/day		365
			Excess Specific Energy Value, kWhr/lb		
			Excess Energy Value, kWhr/day		

1 Multiply Column 4 by Column 2.
2 Multiply Column 4 by Column 3.
3 Sum the measured values in Column 5.
4 Sum the measured values in Column 6.
5 All tests to be conducted with open-loop cooling water temperature < or = 95 degrees F.
6 All tests to be conducted at ozone-in-oxygen concentration equal to or greater than 6%.
7 All tests to be conducted at maximum cooling water flow rate of 16 gpm.

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TABLE 11290-3
TABLE OF OSS REPRESENTATIVES' DUTIES

Equipment	Supervise Installation		Inspect Installation		Supervise Initial Adjustment (4)		Supervise ORT and FDT Testing, attend PWT Pre-Test Meeting (5)		Provide PSU and MOCP Instruction (3)	
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)
Ozone System	1	2	1	1	1	2	3	2	2	2

(1) Minimum number of trips to the jobsite for each representative.
(2) Minimum days onsite for each representative.
(3) Timing of the instruction shall be at the discretion of the Owner but every attempt will be made to coincide with the successful initial testing.
(4) The supervision of the initial adjustment may coincide with the installation inspection visit.
(5) The initial testing may be done directly following initial adjustment if acceptable to the Engineer.

Note: Days in table are in addition to days required for PSUCP, installation and PLC programming/coordination, MOCP cabinet modifications and PLC programming/coordination, generator dielectric removal, cleaning supervision, and dielectric installation.

Exhibit A

CDM Smith

Memorandum

To: *Ms. Leslie Carreiro*
Mr. Brendan Kelley
Mr. Ronnie Presley

From: *Bill Dowbiggin*
Chuck McCall

Date: *January 11, 2019*

Subject: *Ozone Equipment Upgrades at Mills River Water Treatment Plant (WTP)*
Justification for Sole Source Procurement

Background

A two-stage ozone system is used at the Mills River WTP for pre-oxidation of raw water and oxidation/disinfection of settled water. The ozone equipment system, including generators, power supply units (PSUs), diffuser grids, supplemental nitrogen, and destruct units, was provided by Ozonia (now Suez). The ozone generators and power supply units are shown in **Figure 1**. The current Miscellaneous Upgrades Design and Construction Project includes upgrades to the existing ozone equipment. The upgrades include replacement of ozone generator dielectrics, PSUs, and control panels. The purpose of this memorandum is to justify sole source procurement of the work to Suez as the only ozone equipment manufacturer that can perform this work.

Figure 1. Ozone Generators and Power Supply Units

Justification for Sole Source Procurement

Following discussions between Asheville Water Resources and the Finance and Management Services Department, several areas were identified as requiring greater clarity in order to allow sole source procurement of the ozone equipment. Questions and answers are provided below.

Q: Why is sole source procurement for Suez justified when there are other providers of ozone equipment?

A: The upgrade of the ozone system will consist of keeping the existing ozone generators in place and replacing the existing dielectrics with new dielectrics. The existing power supply units (PSUs) and control panels will be replaced with new PSUs that include the Programmable Logic Controller (PLC) control panel as part of the unit. Only Suez can provide the dielectrics to the existing ozone generators, and only a Suez PSU can run the dielectrics in the ozone generator vessel. Therefore, in order for Asheville to replace any portion of the ozone generators or PSUs with third party equipment, replacement of the entire system would be required. The cost of removing the existing equipment, installing all new equipment and tying into an existing old PLC control system will be much more extensive and expensive than performing an upgrade project where Suez will provide components to upgrade existing equipment.

Q: Provide clarity on the scope of work. Will the upgrades use an electrical contractor as the general contractor, or a traditional general contractor with subcontractors?

A: The overall Miscellaneous Upgrades project will be bid by General Contractors. It is recommended that Asheville obtains a pre-negotiated price from Suez for the ozone system work and place it in the bid documents. Pre-negotiating the price helps keep costs down for the City and limits the potential for cost increases during bidding. The Suez proposal should include a firm price to perform the work, with the technical specifications referenced and attached to the proposal. The Suez agreement with Asheville Water Resources should be legally assigned to the GC in the bidding documents and Suez's price included on the bid form for that procurement. With this approach, the GC will be responsible for coordinating all work to be completed by Suez in accordance with the contract documents. This would allow all General Contractors bidding on the project to have the same pricing from Suez for their bids.

Q: What is the cost breakdown within the subgroup of "ozone equipment" for the portion of the cost that will be equipment vs labor? Is licensing involved in the installation?

A: Per discussions with Suez, the percentage of labor support is typically in the range of 12% to 15% of the total contract price. Using Suez's current $613,500 budgetary price, this equates to a labor cost of approximately $74,000 to $92,000. This includes labor to remove the existing dielectrics, cleaning the ozone generator vessels, installing the new dielectrics, purging and recommissioning the generators, and integrating the new PSU/CPs into the existing control system.

Labor for performance testing and staff training is also included in the budgetary pricing. There is no licensing or costs associated with licensing in the Suez scope of work.

Q: Please provide a cost structure for ongoing preventative maintenance to be performed by Suez technicians (i.e., a service contract for annual maintenance visits).

A: Attached is an example ongoing annual service agreement from Suez. A typical timeframe is a 1-year agreement that is renewable. The typical Suez service contract includes two (2) one-week trips, one scheduled trip and one trip on an emergency basis. The standard service charge is currently $1,390 per day plus travel expenses. Travel expenses are billed at actual cost +15%.

Q: Is there a price index that would assist the City in negotiating PM agreements?

A: One option for a readily available index that would assist the City in negotiating PM agreements is the Employment Cost Index (ECI), which is published quarterly by the Bureau of Labor Statistics. The ECI is a measure of the change in the cost of labor. The Bureau of Labor Statistics has a webpage that explains how the ECI can be used to escalate contracts (https://www.bls.gov/ncs/ect/escalator.htm). While the ECI is a comprehensive index that is not affected by changes in relative employment of industries and occupations with different wage and compensation levels, the cost of labor for servicing process equipment can be expected to follow a similar trend.

Q: What will be the structure of the warranty? One year provided by Contractor with additional years provided by Suez? What is the typical length of time that the equipment is under warranty with Suez?

A: Suez's typical warranty period is one (1) year from the date of completion of the work, or eighteen (18) months from the date equipment is shipped, whichever occurs first. If a longer warranty period is desired, it is recommended that the warranty be extended with Suez rather than with the General Contractor.

Q: Please provide documentation that we have performed due diligence to ensure there are no external technicians that are certified to perform work on Suez equipment.

A: Suez has confirmed that there are no external or independent technicians certified to perform work on the ozone equipment provided by Suez. All service representatives that work on the ozone equipment provided by Suez are direct employees of Suez. See attached email chain for documentation.

RESOLUTION NO. 19-46

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND AMEND AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO INCLUDE A $15,000 MATCH TO IMPLEMENT YEAR 2 OF A GRANT FUNDED WEATHERIZATION PROGRAM

WHEREAS, pursuant to N.C.G.S. 160A-461, units of local government may enter into agreements with each other in order to jointly exercise any power or function of local government; and

WHEREAS, per City Council Resolution No. 16-64, Duke Energy Progress has agreed to co-convene with the City and County a joint Energy Innovation Task Force (EITF) to transition to a cleaner, affordable and smarter energy future; and

WHEREAS, per City Council Resolution No. 18-5, the City approved the recommendations of the EITF to be incorporated into the City's Sustainability Management Plan; and

WHEREAS, per City Council Resolution No. 17-184, Council authorized the City Manager to enter into an Inter-Local Agreement with Buncombe County on November 21, 2017 to support the County's application to the Southeast Sustainability Directors Network for a county-wide weatherization program and to provide technical and other information and support to the County to assist the County with its weatherization program; and

WHEREAS, City Council approved the budget on June 19, 2018 which includes funds for the EITF recommendations, and both the City and County have reserved general funds to provide match funds to the grant funded weatherization program; and

WHEREAS, the Southeast Sustainable Communities Fund approved a second year of funding of $150,000 and the County has agreed to supply an additional $60,000 match and the City is now being asked to provide an additional $15,000 match and therefore an amendment to the Inter-Local Agreement with Buncombe County is needed;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and execute an amendment to the Interlocal Agreement with Buncombe County in order to implement the second year of a grant funded weatherization program with the City match not to exceed $15,000.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-47

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPALACHIAN PAVING & CONCRETE, INC. FOR THE PROJECT KNOWN AS E. CHESTNUT STREET BRICK SIDEWALK REHABILITATION

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as E. Chestnut Street Brick Sidewalk Rehabilitation, City of Asheville Project K1901; and

WHEREAS Appalachian Paving & Concrete, Inc. of Arden, NC was the lowest responsible bidder for the project; and

WHEREAS Appalachian Paving & Concrete, Inc. shall provide all labor, materials and equipment for the rehabilitation of the brick sidewalk on E. Chestnut Street; and

WHEREAS, the amount of the agreement is $276,250.00 plus a 15% contingency of $41,437.50 ($317,687.50 total) and the monies have been budgeted in the Public Works 2018-2019 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Coordinator with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $276,250.00 plus a 15% contingency of $41,437.50 ($317,687.50 total) with Appalachian Paving & Concrete, Inc. for the project known as E. Chestnut Street Brick Sidewalk Rehabilitation, City of Asheville Project K1901.

Read, approved and adopted this the 12th day of March, 2019.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-48

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDEWALK MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CITY TO MAINTAIN A NEW SIDEWALK THAT THE N.C. DEPT. OF TRANSPORTATION WILL CONSTRUCT ALONG THE WEST SIDE OF US 25 (HENDERSONVILLE ROAD).

WHEREAS, the City of Asheville has authority pursuant to NCGS 160A-296 to maintain and control those areas of sidewalk within its jurisdiction that are not owned by the State Department of Transportation; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has identified a need to make improvements at the intersection of US 25 (Hendersonville Road) and SR 3503 (Overlook Road); and

WHEREAS, one of the improvements includes a sidewalk along the southbound approach of US 25 (Hendersonville Road) from SR 3503 (Overlook Road) to Home Trust Bank; and

WHEREAS, one of the improvements includes a bus shelter pad; and

WHEREAS, the City supported this project via Resolution # 18-59 on March 13, 2018;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a sidewalk maintenance agreement with the North Carolina Department of Transportation (NCDOT) for the City to accept maintenance responsibility for a new sidewalk and a bus shelter pad constructed by the NCDOT along the southbound approach of US 25 (Hendersonville Road) from SR 3503 (Overlook Road) to Home Trust Bank and further authorized to reimburse the NCDOT 100% of the actual cost for bus shelter improvements estimated to be $2,200.

Read, approved and adopted this the 12th day of March, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robin P. Currin
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-49

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION (FBRMPO) FOR SECTION 5310 FUNDS, AND IF SUCCESSFUL, TO ACCEPT THE GRANTS AND EXECUTE NECESSARY AGREEMENTS WITH THE FBRMPO, FEDERAL, AND/OR STATE AGENCIES

WHEREAS, the City of Asheville has authority pursuant to NCGS 160A-17.1 to make contracts for and accept grants and loans from other governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization has opened a call for projects for Federal Transit Administration Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Grants funds; and

WHEREAS, the City of Asheville has identified paratransit service as a project that is eligible for this funding and would be funded by the grant at 80% of the cost of service in the amount of $187,500; and

WHEREAS, if awarded, the City would provide the 20% local match in the amount of $37,500;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply to the French Broad River Metropolitan Planning Organization (FBRMPO) for Section 5310 Funds, and if successful, further authorized to accept the grants and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies.

Read, approved and adopted this the 12th day of March, 2019.

Magdalen Bullesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullesson
City Clerk

RESOLUTION NO. 19-50

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY FOR FIRE PROTECTION AND AMBULANCE AND RESCUE SERVICES

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. §160A-293; and

WHEREAS, the Asheville Special Fire Protection & Ambulance and Rescue Service District of Buncombe County was established and created effective July 1, 2016; and

WHEREAS, the Biltmore Estate has been served by the Asheville Fire Department since 1995 and Haw Creek has been served by the Asheville Fire Department since 2009 through contracts with Buncombe County; and

WHEREAS, the County levies a special tax in the Asheville Special Fire Protection & Ambulance and Rescue Service District and appropriates those funds to the City of Asheville; and

WHEREAS, the Asheville Fire Department will furnish fire protection and other emergency services as part of the Buncombe County EMS system; furthemore it will provide the necessary equipment and personnel; and

WHEREAS, the funds collected by the County as a result of the tax collected and the corresponding sales tax revenue due the District will be paid to the City by the last day of each month in twelve equal monthly installments; and at the end of the fiscal year, the County will reconcile the monthly payments made to the City and the actual amounts collected to make a final adjusted payment in July of the following fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with Buncombe County until June 30, 2021, for fire protection and ambulance and rescue services, and further authorized to collect funds by the County for the Asheville Fire Department to furnish fire protection and other emergency services as part of the Buncombe County EMS System in the Asheville Special Fire Protection & Ambulance and Rescue Service District and will provide necessary equipment and personnel.

Read, approved and adopted this the 12th day of March, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robert P. Rozbicki
City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-51

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Tiffany De'Bellott has resigned, thus leaving an unexpired term until June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Lucious Wilson, 21 E. Indiana Avenue, Asheville, N.C., be and she is hereby appointed to serve as a member of the Recreation Board for the unexpired term of Ms. De'Bellott, term to expire June 30, 2020, or until her successor has been duly appointed.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:
Valerie P. Neal
CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-52

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR THE DWI TASK FORCE 2020, YEAR 7 GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Governor's Highway Safety Program has invited the City of Asheville to submit a grant application in the amount of $465,689.00 for the costs of personnel with a required 75% City of Asheville local match of $237,440.75; and

WHEREAS, this grant will assist the Asheville Police Department in the investigation and reduction of impaired drivers;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and enter into an agreement with the North Carolina Governor's Highway Safety Program in the amount of $465,689.00 with a required 75% match by the City of Asheville in the amount of $237,440.45 for the DWI Task Force, Year 7 2020 Grant.

Read, approved and adopted this the 12th day of March, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
City Attorney

Magdalen Bowleson
City Clerk

314,

RESOLUTION NO. 19- 53

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS COMMERCE STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR APRIL 23, 2019

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way known as Commerce Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way known as Commerce St, described as follows:

Beginning at a point in the southern right of way line for Meadow Road, said point being west of the intersection of Meadow Road and Biltmore Avenue, and being the northernmost point of Parcel C as shown on a "Recombination Survey for Norfolk Southern Corporation " recorded in Plat Book 174 at Page 179 in the Buncombe County Registry; thence proceeding in a general southwesterly direction the following courses and distances:

1 S 25° 51' 52" W 35.21 feet

2 S 29° 39' 52" W 41 37 feet

3 S 30° 11' 14" W 8.10 feet

4 S 36° 05' 14" W 50.27 feet

5 S 41° 21' 14" W 50.42 feet

6 S 47° 32' 14" W 51.95 feet;

7 S 51° 17' 14" W 82.20 feet;

8 S 46° 43' 14" W 119.62 feet

to a point in the Northern line of Norfolk Southern Railway Company as described in a deed recorded in Deed Book 314, Page 88 (Parcel B) in the Buncombe County Registry; thence in a westerly direction along a curve with radius of 888.30', arc length 86.53feet chord bearing S 83° 21' 47" W, chord length of 86.50 feet to a point in the Southeastern line of Asheville Area Habitat for Humanity as described in a deed recorded in Deed Book 2589 Page 360 Buncombe County Registry, marked by a magnetic nail; thence in a general Northeasterly direction the following courses and distances:

1. N 50° 31' 26" E 96.51 feet;

2. N 48° 41' 26" E 97.96 feet:

3. N 49° 01'E 87.97 feet;

4. N 48° 09' E 14.23 feet;

5. N 46°04' E 20.02 feet;

6. N 43° 38' E 20.09 feet;

7. N 41° 12' E 20.16 feet;

8. N 38°04' E 20.29 feet;

9. N 36° 16' E 20.47 feet;

10. N 33° 45'E 20.68 feet;

11. N 31° 13' E 20.95 feet;

12. N 28° 39' E 21.27 feet;

13. N 24° 39' E 43.43 feet

to a point in the southern right of way line of Meadow Road; thence N 85°04' 11" E 74.37 feet to the point and place of Beginning, being the same area designated as "Now or Formerly Commerce Street" on the above-referenced recombination survey for Norfolk Southern Railway.

2. A public hearing on the question of permanently closing an unopened right-of-way Known as Commerce Street, is hereby called for on April 23, 2019, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on April 23, 2019.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley known as Commerce St. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

316

RESOLUTION NO. 19-54

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT AT RICHMOND HILL PARK ON CITY-OWNED PROPERTY TO DUKE ENERGY PROGRESS

WHEREAS, N.C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 300 Richmond Hill Drive, identified as PIN # 963929286400000; and

WHEREAS, the City has requested that electricity be extended to a new shelter with restrooms on the property and Duke Energy Progress (DEP) has determined that no easement currently exists; and

WHEREAS, the portion of land needed for the permanent easement comprises approximately 13,000 square feet of the total 149.65 acres and because it is a distribution easement, DEP has offered no compensation for the easement; and

WHEREAS, the easement will facilitate the City's intended use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement of approximately 13,000 square feet over a portion of property located at 300 Richmond Hill Drive PIN # 963929286400000 to Duke Energy Progress.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
Robert P. Rolfe
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19- 55

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS ROSE STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR APRIL 23, 2019

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way known as Rose Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way known as Rose St, described as follows:

   DESCRIPTION OF PORTION OF UNOPENED RIGHT OF WAY OF ROSE STREET BEGINNING at a point in the Western right of way line of Hansel Avenue, the same being the Northeast corner of the property described in a deed recorded in Deed Book 4242 at Page 815 in the Buncombe County Registry (herein "Lot A"), being also the Northeast comer of Lot 5 of the Plat entitled "Subdivision of Block "E" of the Estate of E. Clayton" recorded in Plat Book 2 at Page 78 in the Buncombe County Registry (herein "Clayton Plat""); thence S 77 deg. 30' W 95.50 feet to the northwest corner of Lot A; thence S 77 deg. 32' 30" W 200.03 feet to the northwest corner or Lot 1 of the Clayton Plat; thence across the right of way of Rose Street N 12 deg. 12' W 30 feet to the Southwest corner of Lot 8 on the Clayton Plat; thence along and with the southern line of Lots 6, 7, 8 and 9 of the Clayton Plat 300 feet, more or less, to a point in the Western right of way line of Hansel Avenue, the same being the southeast corner of Lot 9 of the Clayton Plat, thence S 12 deg. 12' E 30 feet to the point and place of BEGINNING, being the entire extent of the Western end of Rose Street as shown on the Clayton Plat.

2. A public hearing on the question of permanently closing an unopened right-of-way known as Rose Street, is hereby called for on April 23, 2019, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on a April 23, 2019.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley known as Rose Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bulleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

Julie P. Rorie
City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19-56

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR THE BIKE/SAFE NC 2020, YEAR 1 GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, the North Carolina Governor's Highway Safety Program has invited the City of Asheville to apply for funds from the Bike/Safety NC 2020 program in the amount of $5,000 for law enforcement travel and training costs; and

WHEREAS, this grant will assist the Asheville Police Department in the promotion of motorcycle rider safety;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and, if awarded, accept $5,000 in funding for the Bike/Safe NC, Year 1, 2020 Grant, and enter into an any necessary agreements.

Read, approved and adopted this the 12th day of March, 2019.

Magdalen Bourleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19- 57

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY FAIRFAX AVENUE

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unopened r/w located off of Fairfax Avenue; and

WHEREAS, City Council on the 12th day of February, 2019, adopted a Resolution of Intent to permanently close an unopened right of way off of Fairfax Ave., and ordering a public hearing on the question of the closing for the 12th day of March, 2019, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right of way located off of Fairfax Avenue; and

WHEREAS, the City Council held a public hearing on the closure on March 12, 2019, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way off of Fairfax Avenue, described as follows:

DESCRIPTION OF UNOPENED TEN FOOT (10') RIGHT OF WAY/ALLEY FOR PROPOSED CLOSURE

An area of land located in the City of Asheville, Buncombe County, North Carolina adjacent to Fairfax Avenue (formerly Fairfield Avenue) near its intersection with Haywood Road, and being an unopened alley as shown on Plat Book 2, Page 18 recorded in the Buncombe County Registry, and on Plat Book 20, Page 114, Buncombe County Registry, and being a portion of the real property located at 700 Haywood Road, Asheville, NC., as referred to in the North Carolina General

Warranty Deed recorded in Deed Book 5657, Page 1004, Buncombe County Registry, with said unopened alley being referred to more specifically as follows:

Beginning on a nail set (NLS) located at the northeastern corner of the property described in Deed Book 5657 at Page 1004, Buncombe County Registry as depicted on Plat Book 20, Page 114, thence with the existing eastern boundary of the property South 07°20'17"W 117.85' to a bent concrete monument (CMF) to a point of beginning; and from the beginning point thus established, thence N83°46'02"W along the northern border of the unopened right of way a distance of 99.62 feet to an unmarked point on the western boundary of the property; thence S06°05'11"W along the western boundary of the unopened right of way a distance of 10.31 feet to an unmarked point; thence S83° 46'02"E along the southern boundary of the unopened right of way a distance of 99.66 feet to a 1" bent iron pipe (IPF) located on the eastern boundary of the property, and; thence N06° 01"08" E along the eastern boundary of the boundary of the property a distance of 10.31 feet, to the point of Beginning.

Containing 1,027 +/- square feet or 0.0236 +/- Acres per coordinate computation.

All bearings are relative to N.C. Grid NAD 83(2011) and all distances are horizontal ground distances in U.S. survey feet unless otherwise noted.

2. A certified copy of this resolution and order shall be filled in the office of the Buncombe County Register of Deeds.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-58

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, Kenneth Frisbee (layman) has resigned, thus leaving an unexpired term until July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Roger Vaught, 109 Galloway Drive, Asheville, N.C., be and he is hereby appointed as the layman to the Board of Electrical Examiners, to serve a three-year term, term to expire July 1, 2021, or until his successor has been duly appointed.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:
Julie P. Burch Jr.
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19-59

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, Marcia Bacoate has resigned, thus leaving an unexpired term until November 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Dr. Jim Harty, 56 Cumberland Avenue, Asheville, N.C., be and he is hereby appointed to serve as a member of the Homeless Initiative Advisory Committee to fill the unexpired term of Ms. Bacoate, term to expire November 1, 2020, or until his successor has been duly appointed.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19-60

RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

WHEREAS, John Christiansen has resigned, thus leaving an unexpired term until June 1, 2021; and

WHEREAS, a vacancy seat is still available to be filled, term to expire June 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Nicole Townsend, 420 State Street, Asheville, N.C., be and she is hereby appointed to serve as a member of the Human Relations Commission for a two year term, term to expire June 1, 2021, or until her successor has been duly appointed.

Ingrid Kalwitz, 6 Jan Drive, Asheville, N.C., be and she is hereby appointed to serve as a member of the Human Relations Commission for a two year term, term to expire June 1, 2021, or until her successor has been duly appointed.

Read, approved and adopted this 12th day of March, 2019.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-61

RESOLUTION ADOPTING THE MUNICIPAL RECORDS AND DISPOSITION SCHEDULE ISSUED MARCH 1, 2019, BY THE N.C. DEPT. OF NATURAL AND CULTURAL RESOURCES

WHEREAS, N.C. Gen. Stat. sec. 121-5 mandates that records defined under Chapter 132 may be disposed of only in accordance with an official records retention schedule; and

WHEREAS, in an effort to promote good municipal records management, the N.C. Dept. of Natural and Cultural Resources has adopted a new Records Retention and Disposition Schedule; and

WHEREAS, it is in the best interest of the City of Asheville to promote municipal records management as provided by the N.C. Dept. of Natural and Cultural Resources;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Municipal Records and Disposition Schedule issued March 1, 2019, by the N.C. Dept. of Natural and Cultural Resources be adopted and approved in total. This new version supersedes the schedule issue in 2012.

2. The Mayor of the City of Asheville be authorized to execute the Agreement by and between the N.C. Dept. of Natural and Cultural Resources, which agreement is attached hereto and made a part hereof.

3. Any and all previous resolutions adopted that are inconsistent or in conflict with this resolution are hereby repealed.

Read, approved and adopted this 26th day of March, 2019.

Magdalen Burleson
CITY CLERK

Esther E. [illegible]
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

2019 Local Government Agencies
General Records Retention and Disposition Schedule

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. The local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. ***Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.***

All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when *"reference value ends."* All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction *"destroy when reference value ends."* If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction *"destroy when reference value ends."*

All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes the general standards in all previous local government retention and disposition schedules and is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Magdalen Bowleson
Muncipal/County Clerk or Manager
Title: City Clerk

Sarah E. Koonts
Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Esther E. Manheimer
Head of Governing Body
Title: Mayor

Susi H. Hamilton
Susi H. Hamilton, Secretary
Department of Natural and Cultural Resources

Municipality/County: Asheville

RESOLUTION NO. 19-62

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTINUE AN AGREEMENT WITH TYLER TECHNOLOGIES FOR CONTINUED SUPPORT OF THE TYLER/MUNIS ENTERPRISE FINANCIAL SYSTEM

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. §160A-20.1 to contract with and appropriate money to any person, association, or corporation in order to carry out any public purpose authorized by law, and

WHEREAS, the City is in need of maintenance and support for the City's Munis Enterprise System, and

WHEREAS, Tyler Technologies is the sole-source vendor to provide the said maintenance and support in the estimated amount of $180,000.00 for FY 2018/2019 with a maximum of 5% cost increase in each of the subsequent four (4) fiscal years, with the understanding that funding is project specific and subject to the annual appropriation of funds; and

WHEREAS, the funding is currently allocated within IT Services Business and Public Technology division's maintenance budget as follows:

Estimated Base Cost	
2019/2020	$189,700.00
2020/2021	$198,700.00
2021/2022	$208,200.00
2022/2023	$218,120.00

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to continue the remaining term of the general services agreement with Tyler Technologies, and expend remaining total estimated base amount of $814,720. The City Manager is further authorized to execute contract amendments obligating the City to pay up to 15% in excess of the total estimated base cost of the contract for the remaining term if necessary and proper.

Read, approved and adopted this the 26th day of March 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

328

RESOLUTION NO. 19-63

RESOLUTION AMENDING ARTICLE III, SECTION 1, OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE BYLAWS TO ADD TWO SEATS TO THE COMMITTEE FOR A TOTAL OF ELEVEN MEMBERS FOR THE PURPOSE OF INCREASING DIVERSITY AND DEVELOPMENT EXPERTISE

WHEREAS, Resolution 11-118 established an Affordable Housing Advisory Committee (AHAC) on June 14, 2011; and

WHEREAS, Resolution 11-118 established AHAC to be composed of no more than 9 members who will represent the diverse viewpoints of community stakeholders on affordable housing; and

WHEREAS, as the difficulty of developing and building affordable housing continues, AHAC would like to add additional members to the Committee to represent expertise needed to help address our affordable housing crisis; and

WHEREAS, on January 3, 2019, AHAC voted unanimously to request that the City Council approve an amendment to its Bylaws that will add two (2) additional members to the Committee which will result in a total Committee Membership of 11 members; and to also amend the Bylaws by adding a banker/lender with affordable and/or commercial loan experience to the list of desired members;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Article III, Section 1 of the Bylaws of the Affordable Housing Advisory Committee be amended to add two (2) additional Committee Members for a total Committee Membership of 11 members; and also to add a banker/lender with affordable and/or commercial loan experience to the list of desired Committee members.

Read, approved and adopted the 26th day of March, 2019.

Magdalen Bourneson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 19-64

RESOLUTION AUTHORIZING THE STANDARDIZATION PURCHASE OF PLYMOVENT SYSTEMS FOR VEHICLE EXHAUST EXTRACTION IN THE CITY'S FIRE STATIONS FOR CONSISTENCY IN OPERATION AND FUNCTIONALITY

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 143-129 which details the procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. §143-129(e) identifies exceptions to those procedures as they relate to procurement contracts; and

WHEREAS, item (6) of N.C.G.S. §143-129(e) states that the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material, or equipment without formal bidding when (iii) standardization or compatibility is the overriding consideration;" and

WHEREAS, Section 6.5(a) of the City of Asheville Contracting Policy states that formal bidding is not required where the City Council approves the purchase of apparatus, supplies, material or equipment where (i) Performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration; and

WHEREAS, the Asheville Fire Department (AFD) has used Plymovent systems in fire stations since 1993; and

WHEREAS, the use of a single, standardized system for removing vehicle exhaust, with which the AFD is already familiar, will aid in consistency of the Asheville Fire Department's operations and functionality;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City of Asheville to purchase Plymovent Systems as currently quoted at $67,469, as permitted under N.C.G.S. § 143-129(e)(6) for equipment standardization for as long as the Department considers it to be the best product on the market for vehicle exhaust extraction.

Read, approved and adopted this the 26th day of March, 2019.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

330

RESOLUTION NO. 19-65

RESOLUTION APPROVING THE ISSUANCE OF UP TO $22,500,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR THE REDEVELOPMENT OF LEE WALKER HEIGHTS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE

WHEREAS, the City Council (the "City Council") of the City of Asheville, North Carolina (the "City") met in Asheville, North Carolina at 5:00 p.m. on the 26th day of March, 2019; and

WHEREAS, the Housing Authority of the City of Asheville, North Carolina (the "Issuer") has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed $22,500,000 (the "Bonds"), for the purpose of financing the acquisition, construction and equipping by Maple Crest, LLC, a North Carolina limited liability company, or an affiliated or related entity (the "Borrower"), of a new multifamily residential rental facility (the "Development") to replace the existing Lee Walker Heights Apartments, which will be demolished by the Borrower as a part of the construction of the Project; and

WHEREAS, the Development will consist of approximately 212 units located in 7 residential buildings at 17 Wilbar Avenue, Asheville, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Issuer for the Development may only be issued following a public hearing with respect to such bonds and after approval of the plan of financing by the City Council of the City; and

WHEREAS, on March 20, 2019, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

1. The proposed issuance by the Housing Authority of the City of Asheville of its multifamily housing revenue bonds in an amount not to exceed $22,500,000 to finance, in part, the costs of the acquisition, construction and equipping of the Development described above by the Borrower is hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

Read, approved and adopted this 26th day of March, 2019.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

332.

RESOLUTION NO. 19-66

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWELVE YEAR LEASE AGREEMENT BETWEEN ASHEVILLE BUNCOMBE YOUTH SOCCER ASSOCIATION (ABYSA) AND THE CITY OF ASHEVILLE FOR JOHN B. LEWIS SOCCER COMPLEX IN ASHEVILLE.

WHEREAS, N.C. Gen. Stat. sec. 160A-272 authorizes the City to acquire leases of real property for use by any department of the City only if the council determines that the property will not be needed by the city for the term of the lease; and

WHEREAS, the City of Asheville is the owner of real property located at 439 Azalea Road and known as John B. Lewis Soccer Complex; and

WHEREAS, ABYSA schedules use of the soccer fields for youth and adult play including practices, games and tournaments: and,

WHEREAS, the terms of the lease are for twelve years, with a 180-day termination clause that may be exercised by either party, for $1 per year and additional considerations outlined in the lease; and

WHEREAS, the rental beginning July 1, 2019 for the leased premises will be $1.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the attached lease agreement between the City of Asheville and ABYSA for the John B. Lewis Soccer Complex at 439 Azalea Road.

Read, approved and adopted this 26th day of March, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

STATE OF NORTH CAROLINA
CITY OF BUNCOMBE **LEASE AGREEMENT**

THIS AGREEMENT (hereinafter "Lease" or "Agreement") is entered into this _____ day of _____, 2019, by and between the City of Asheville, a North Carolina municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter "Lessor"), and the Asheville Buncombe Youth Soccer Association, Inc. a North Carolina non-profit corporation (hereinafter "Lessee").

WITNESSETH:

WHEREAS, the Lessor owns property at Azalea Park, a public facility, and the soccer fields within the park known as the John B. Lewis Soccer Complex (collectively referred herein as the "Park"); and

WHEREAS, Lessee is a North Carolina 501(c)(3) non-profit corporation that works to benefit Asheville area soccer players through recreational programming; and

WHEREAS, Lessee has offered to enter into a lease agreement for management of the soccer fields, goals, benches and the supporting facilities consisting of the two specific rooms in the building containing concessions and meeting space, bleachers, scoreboards and field lighting at the John B. Lewis Soccer Complex located at 439 Azalea Road E, Asheville, NC 28805; and

WHEREAS, the Asheville City Council approved the execution of this multi-year lease pursuant to the provisions of N.C.G.S. 160A-272 and N.C.G.S. 160A-279 at a regularly scheduled meeting held on the _____ day of _____, 2019; and

WHEREAS, there have been previous weather events and other Acts of God that have caused damage to the soccer fields in the Park, and both parties wish to enter into this Agreement to establish the maximum contributions each party shall make for the maintenance and/or replacement of the soccer fields; and

WHEREAS, the proposed lease agreement seeks to carry out the following public purposes: (1) to provide soccer related recreational opportunities in the Asheville area; (2) to provide opportunities for other organizations to use the facilities when scheduling permits; and (3) to establish a capital improvement fund that will be used to offset the future maintenance costs and replacement of the soccer facilities and fields; and,

WHEREAS, the Lessor and Lessee desire to set forth the terms and conditions of this Agreement;

NOW, THEREFORE, for and in consideration of the promises and mutual covenants herein contained, the parties agree as follows:

A. Terms.

1. *Purpose and Intended Use*. Lessee shall use the property described in Exhibit A for the purpose of running a soccer program and providing opportunities for

people to play soccer or participate in other sports or activities run by the Lessee in ways that seek to carry out the public purpose(s) as described above.

2. *Lease Premises*. The leased premises, located in the City of Asheville, Buncombe County, North Carolina, consists of the property described in **Exhibit A**, attached hereto and made a part hereof, and all improvements now or hereafter located thereon and thereto (herein "Premises" or "Leased Premises").

3. *Rental*. The Lease Fee is $1.00 per year payable upon the execution of this Agreement and on or before each anniversary date of this Lease. All payments shall be made directly to the City of Asheville.

4. *Term*. The "Term" of this Lease shall be for a period of twelve (12) years commencing from the first day of July, 2019 (the "Commencement Date") and will terminate at 11:59 p.m. on the twelfth anniversary of the commencement date, provided that Lessee is not in default of any of its obligations set forth herein. If Lessee shall remain in possession of the Premises at the expiration of this Lease, such tenancy shall be deemed a month-to-month tenancy under the same terms and conditions of this Lease.

5. *Operations and Care of Premises*. Lessee shall operate the Premises as a venue for soccer and other activities run by the Lessee that are open to the public. By occupancy of the property, Lessee acknowledges that it has inspected the Premises and agrees to accept the same as they now exist with no obligation on the part of the Lessor to make any improvements thereto. Lessee shall at all times keep the Premises in a neat and orderly condition free of trash and debris.

a) Maintenance and Repair. Lessee will be responsible for the maintenance and upkeep of the soccer fields, goals, benches and the supporting facilities which include the concessions room, meeting room, bleachers, scoreboards and field lighting. Lessor shall not be responsible for any maintenance or repair of any of the foregoing Premises whatsoever except for the contributions to the Capital Improvement Fund described below in this Agreement. Lessor will be responsible for the maintenance and upkeep of all other amenities located on the Park that do not consist of the Premises, including but not limited to the main building, restrooms, playground, picnic shelters, driveways and parking areas and the grassed open space areas.

b) Lessee agrees to provide annual testing of synthetic surfaces by an independent test provider, in accordance with ASTM standards F355-A and F1936. If any field is found to not be in compliance with the G-MAX standard of ATSM standards, Lessee shall be solely required to bring the field into compliance within six months of the failed test.

c) Maintenance Equipment. - Lessee is responsible for all costs related to any equipment stored on the Leased Premises and agrees that Lessor shall not be liable for lost, stolen, or damaged maintenance equipment.

6. *Utilities*. The parties acknowledge that the field lighting has its own power meter but the power and water utilities that service the remainder of the Park, and

particularly the building, are not submetered. As consideration for this Lease, Lessee agrees to provide and pay for the cost of the power that services the field lighting and Lessor agrees to provide and pay for the cost of the water utility for the entire Park and the power utility for the entirety of the Park that does not include the field lighting.

7. *Signage*. Any and all signage within the Leased Premises shall be the responsibility of the Lessee including signage that recognizes soccer complex sponsors. The parties acknowledge that Lessee has already posted certain signage on property within the Park that is outside of the Leased Premises. Lessee may keep said signage that currently exists posted and shall maintain, replace and repair said signage.

8. Flood Damage and Other Acts of God: The parties acknowledge that the Leased Premises and Park are located within a flood plain and the soccer fields have experienced a history of damage associated with flooding. Lessee shall be solely responsible for the costs of repair to any portion or all of the Leased Premises in the event of a flood or other Act of God, in accordance with the provisions of this Section. Should such a casualty event occur, the parties agree as follows:

   a) Lessee shall assess the damage to the Premises and, based on the assessment, will contract for clean-up work with the contractor of its choice.
   b) All soccer fields must be restored to the above-described G-MAX standard.
   c) Upon completion of the restoration of the Leased Premises, Lessee shall show Lessor evidence of the actual costs of restoration, and the Lessor shall reimburse Lessee 50% of said cost of restoration up to a maximum reimbursement of $50,000.00. Said reimbursement shall not be paid until the restoration has been completed by Lessee and Lessor shall never be required to pay more than $50,000.00 in any single fiscal year of Lessor. Moreover funds unspent by the Lessor in a fiscal year shall not roll over and be available in a subsequent fiscal year.
   d) Lessee, in its discretion, may request Lessor to provide all or part of the needed restoration on the Leased Premises. Lessor shall not be bound to provide such restoration. If Lessor does agree to provide work, materials and services for restoration, Lessee shall be responsible for the cost for said restoration in accordance with subsection (c) above.

   e) In the event Lessee does not restore the Premises within 90 days of the flood or Act of God in accordance with this section, or, if the performance cannot be reasonably completed within the ninety (90) day period, the Lessee shall not in good faith have commenced performance within the ninety (90) day period and shall not have diligently proceeded to completion of performance, Lessee shall be in default of this Lease Agreement and Lessor may have the option to terminate said Agreement.

9. Capital Improvement Fund. The parties agree to establish a capital improvement fund known as the JBL Turf Replacement Reserve (the "Reserve") to ensure funding is available to complete the turf replacement of the soccer fields. Lessor shall contribute $15,000.00 annually to the Reserve and Lessee shall contribute $30,000.00 in the first year of the Term of the Lease, with contributions increasing each year during the Term of this Lease by a factor of 2.0%. Contributions shall take place on the 15th of June each year beginning on June 15, 2020. For specificity, the contributions are outlined below:

Fiscal Year	ABYSA Contribution	City Contribution	Total
Year 1	$ 30,000	$ 15,000	$ 45,000
Year 2	30,600	15,000	45,600
Year 3	31,212	15,000	46,212
Year 4	31,836	15,000	46,836
Year 5	32,473	15,000	47,473
Year 6	33,122	15,000	48,122
Year 7	33,785	15,000	48,785
Year 8	34,461	15,000	49,461
Year 9	35,150	15,000	50,150
Year 10	35,853	15,000	50,853
Year 11	36,570.06	15,000	51,570.06
Year 12	37,301.46	15,000	52,301.46
12-Year TOTAL	$ 402,363.52	$ 180,000	$ 582,172.98

Each year's contribution shall be paid to and held by the Lessor. Funds held in the Reserve will not be disbursed to replace the turf on the fields until at least ten (10) years have passed since the current existing fields have been installed. Funds may be disbursed prior to said ten-year period if the City Manager, or his/her designee, declares, in his or her sole discretion, that the field turf life has expired.

In the event this Lease is terminated due to default by Lessee or termination by Lessee, the Lessor shall retain all funds held in the Reserve for turf replacement. In the event this Lease is terminated prior to the end of the Term by the Lessor

pursuant to Section D below, all funds contributed by the Lessee that are being held in the Reserve at the time of termination shall be returned to Lessee.

Funds held in the Reserve will not be used or made available for any maintenance or emergency repairs or restoration to any soccer fields or other portion of the Leased Premises whether or not such maintenance or repair is needed due to a flood or an Act of God.

10. Construction of Improvements Lessee shall have the right to construct improvements on the premises contingent upon approval by the Lessor, which shall be made in Lessor's sole absolute discretion. Prior to the construction of said Improvements, Lessee shall submit detailed building design plans and specifications to the Lessor for review and approval; such approval shall not be unreasonably withheld or delayed.

a) Lessee, at Lessee's expense, shall cause all Improvements constructed for or on behalf of Lessee to be constructed in good and workmanlike manner and in strict compliance with applicable law and regulations, including but not limited to environmental and construction permits and such Improvements shall, when complete, be and continue to be in conformity with all applicable laws, including but not limited to, all applicable building codes. All regulatory fees, if any, applicable to the Premises or Improvements levied by government authorities shall be paid by the Lessee. Lessee, at Lessee's expense, is responsible for obtaining all necessary permits and approvals related to construction of Improvements. Lessee agrees to provide copies of permits to Lessor upon request.

b) No construction of the Improvements shall commence until Lessee has provided evidence, reasonably satisfactory to the Lessor, that 1) sufficient funds are available to complete the construction of the Improvements, and 2) that Lessee has made a legally binding commitment to complete the construction of the Improvement using the funds so allocated.

c) Lessor reserves the right to enter upon the Leased Premises during construction for the purpose of inspecting the ongoing construction of the Improvements.

d) Prior to the construction of any of the Lessee's Improvements on the Premises, or occupancy of the Premises under this Lease, Lessee shall provide the Lessor with Certificates of Insurance showing evidence of minimum limits of insurance coverages as required by Section B of this Lease. All Contractors, including Utility Service Providers retained by Lessee shall provide to the Lessor evidence of insurance coverages and limits acceptable to the Lessor and shall list the Lessor as additional insured on the Contractor's general liability and auto liability policies. No Improvements shall be made until the Lessor approves the insurance carried by Contractors and Utility Service Providers.

e) Any improvements constructed by Lessee shall become the property of Lessor upon the termination of this Lease.

11. Hours of Operation. This Lease authorizes the Lessee to operate generally

between the hours of 6:00 am to 11:30 pm.

12. Default. Any one or all of the following events shall constitute an Event of Default:

(a) If Lessee shall fail to pay any sum due as called for in this Lease, including, but not limited to, any Rent amount or contributions to the Capital Improvement Fund as described in this Lease.
(b) If Lessee shall fail to show a good faith effort to commence restoration of the fields following a flooding event or Act of God in a timely manner, as called for in this Lease.
(c) If Lessee does not fully restore the Leased Premises within 90 days due to a flood or Act of God pursuant to Section 8 of this Lease, or if the performance cannot be reasonably completed within the ninety (90) day period, the Lessee shall not in good faith have commenced performance within the ninety (90) day period and shall not have diligently proceeded to completion of performance
(d) If Lessee shall fail to fully perform or comply with all other conditions of this Lease, and if the nonperformance or failure shall continue for a period of ten (10) days after written notice thereof by Lessor to Lessee, or, if the performance cannot be reasonably completed within the ten (10) day period, the Lessee shall not in good faith have commenced performance within the ten (10) day period and shall not have diligently proceeded to completion of performance.
(e) If Lessee shall vacate or abandon the Premises.

Upon the occurrence of any Events of Default as set forth above, Landlord shall have the right, at its option, to terminate this Lease and Lessee shall have no further rights under this Lease.

B. Insurance.

The Lessee shall be responsible for all activities and operations conducted on the Leased Premises and shall maintain liability insurance for all related activities and operations, including but not limited to playing fields and maintenance equipment utilized for Lessee's soccer program, that occur on the Leased Premises.

The Lessee agrees to keep and maintain for the duration of this Agreement including but not limited to commercial general liability and umbrella coverage with at least a minimum limit of $1,000,000 per occurrence. The Lessee shall furnish the Lessor with certificates of insurance for each type of insurance described herein, listing the City of Asheville as Certificate Holder and as an additional insured on the Lessee's general liability policy and provide a waiver of subrogation under said policy. In the event of bodily injury and/or , property damage, or financial loss caused by Lessee's negligent acts or omissions in connection with Lessee's services performed under this Agreement, Lessee's Liability insurance shall be primary with respect to any other insurance which may be available to the Lessor, regardless of how the "Other Insurance" provisions may read. In the event of policy cancellation, substantial changes or nonrenewal, the Lessee shall give the Lessor at least thirty (30) days prior written notice. No work shall be performed on any improvements on the Property nor shall any soccer activities take place on the Leased

Premises until the Lessee has furnished to the Lessor the above referenced certificates of insurance, in a form suitable to the Lessor.

Lessee shall require its contractors/subcontractors, prior to commencing any construction, installation, repair or maintenance work on the Premises to provide the Lessor a certificate of insurance evidencing coverages and limits described above as well as evidence of auto liability, workers' compensation, and environmental/pollution liability coverage (when necessary) with minimum limits stipulated by the Lessor.$1,000,000 per occurrence

C. Indemnification. Lessee shall indemnify, defend and hold harmless the Lessor, its subsidiaries, divisions, officers, agents, directors, and employees from and against any and all liability, loss, costs, claims, damages, expenses, reasonable attorney fees, judgments and awards arising or claimed to have arisen, from any injury or property damage, caused by, or allegedly caused by, either in whole or in part, any negligent act or omission of Lessee, its employees, directors, officers, volunteers, agents or assigns. This provision is not applicable to any claim arising out of or related to any active or primary negligence or willful misconduct of the Lessor, its officers, employees, or agents. Nothing herein shall be construed as a waiver on the part of the City to any defense of any claim, including, but not limited to the defense of governmental immunity.

Lessee shall comply with the provisions of the Americans with Disabilities Act (ADA) (ADA) and all rules and regulations promulgated thereunder. Lessee hereby agrees to indemnify the Lessor from and against all claims, suits, damages, costs, losses and expenses in any manner arising out of or connected with the failure of the Lessee, its, agents, successors, assigns, officers, volunteers or employees, to comply with the provisions of the ADA or the rules and regulations promulgated thereunder.

D. Termination. This Agreement may be terminated for any reason by either party, with one hundred and eighty (180) days prior written notice, with the exception that if there is a breach of the terms of this Agreement, termination may be exercised with thirty (30) days prior written notice. Notice shall be served under this contract by registered mail, certified mail or by other means.

Termination of Lease: Lessee further agrees it will, at the expiration or termination of this Lease or any renewals thereof, surrender the Leased Premises in as good as condition as at the beginning of the Term, reasonable wear and tear and damage by the elements, fire, or casualty excepted. This agreement specifically includes cleaning up the premises of any debris, trash, building scraps, etc. in addition to any other restorations, repairs or work necessary.

E. Assignment and Subleasing. Except as specifically authorized herein, Lessee may not assign, sublet or transfer this Lease, without Lessor's prior written consent; provided, however, this Lease does authorize Lessee to rent the Premises for short term, athletic-relateduses. Lessee shall be responsible for all aspects of such rental. Any entity or group renting the Premises for such athletic-related use shall provide insurance coverage under the same requirements outlined in Section B above. In the event Lessee wishes to rent or allow the Premises to be used for a different use than described in this section, such rental or use must be approved by Lessor, which may approve or deny said rental or use in its sole discretion.

F. Damages. Lessee will be liable for all damage to the Premises during Lessee's use and said damage shall be repaired or replaced by Lessee, normal wear and tear excepted.

G. Amendments. This Agreement constitutes the entire agreement with attached Exhibits between the Lessor and Lessee. This agreement may not be amended or assigned without the written consent of both parties.

H. Compliance with Laws. Lessee shall comply with all state, federal or local laws, or ordinances, codes, rules or regulations governing performance of this Agreement. Lessee shall provide a Drug-Free Workplace during the performance of this Agreement.

I. Notices. In the event either party hereunder desires or is required to provide any notice to the other party, the party desiring or requiring to provide such notice shall provide it in writing, by hand delivery or regular United States mail, postage prepaid, to the other party at the address listed below:

The City:	City of Asheville PO Box 7148 Asheville, NC 28802 Attn: Program & Operation Manager
with copy to:	City of Asheville PO Box 7148 Asheville, NC 28802 Attn: Real Estate Coordinator
If to ABYSA:	Asheville Buncombe Youth Soccer Association PO Box 895 Asheville, NC 28802 Attn: Mike Rottajakob, Executive Director
with copy to:	Ward and Smith, P.A. PO Box 2020 Asheville, NC 28802 Attn: Derek J. Allen

J. Governing Law. This Agreement is entered into North Carolina and shall be construed under the statutes and laws of North Carolina.

K. Severability. Should any provision(s) contained in this Agreement be declared by a court of competent jurisdiction to be void, unenforceable or illegal, such provision or provisions shall be severable and the remaining provisions hereof shall remain in full force and effect.

L. Prior Agreement. The parties acknowledge that the Agreement between the parties dated July 8, 2011 is hereby terminated.

Signed and agreed to as of the day and year first written above.

Asheville Buncombe Youth Soccer Assn.

By: _____
Executive Director

By: _____
President

CITY OF ASHEVILLE

By: _____
City Manager

_____
City Clerk

STATE OF North Carolina
COUNTY OF Buncombe

I, Kenneth B Merritt, Notary Public of the County and State, do hereby certify that Michael Rothjakob, personally came before me this day an acknowledged that he/she is the Executive Director of the Asheville Buncombe Youth Soccer Assn. and acknowledged, on behalf of the Asheville Buncombe Youth Soccer Assn., the due execution of the foregoing instrument.

Witness my hand and notarial seal this 8 day of March, 2019.

KENNETH B. MERRITT
NOTARY PUBLIC
Buncombe County
North Carolina
My Commission Expires 1/28/2024

Notary Public
My Commission Expires: 1/28/2024

STATE OF North Carolina
COUNTY OF Buncombe

I, Kenneth B. Merritt, Notary Public of the County and State, do hereby certify that David R. Zoglich, personally came before me this day an acknowledged that he/she is the President of the Asheville Buncombe Youth Soccer Assn. and acknowledged, on behalf of the Asheville Buncombe Youth Soccer Assn., the due execution of the foregoing instrument.

Witness my hand and notarial seal this 8 day of March, 2019.

KENNETH B. MERRITT
NOTARY PUBLIC
Buncombe County
North Carolina
My Commission Expires 1/28/2024

Notary Public
My Commission Expires: 1/28/2024

STATE OF _____
COUNTY OF _____

I, Notary Public of the County and State aforesaid certify that _____, personally came before me this day and acknowledged that she is the City Clerk of the City of Asheville, a municipal corporation, and that by authority duly given and as the act of the corporation the foregoing instrument was signed in its name by its City Manager and attested by herself as its City Clerk.

Witness my hand and notarial seal this _____ day of _____, 20___.

_____
Notary Public
My Commission Expires: _____

Exhibit A

All soccer fields, goals, benches and the supporting facilities consisting of the two rooms in the main building used for concessions and meeting space, bleachers, scoreboards and field lighting at the John B. Lewis Soccer Complex located at 439 Azalea Road E, Asheville, NC 28805. The Leased Premises shall not include the playground, the building (other than the room used for concessions and the room used for storage/meetings), the parking areas, driveways, sidewalks, grassed or wooded areas, bathrooms, picnic shelters, or any other areas not specifically included in the first sentence of this Exhibit A. Notwithstanding this limitation, Lessee shall have the non-exclusive right to use those areas not included in the Leased Premises that are open to the general public.

RESOLUTION NO. 19-67

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC FOR THE PARKING GARAGES ELEVATORS RENOVATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the elevators in the Rankin Avenue and Wall Street parking garages are 30 years old and have reached the end of their service lives; and

WHEREAS, Patton Construction Group, Inc. is the apparent low bidder of the parking garages elevators renovation project with a bid in the amount of $395,990; and

WHEREAS, project # T-1602 has been setup for the parking garages elevators renovation projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Patton Construction Group, Inc. for an amount not to exceed $395,990, and further authorizing the execution of any contract amendments up to 10% above the contract price, which may arise during execution of said project.

Read, approved and adopted this the 26th day of March, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
Robin P. Rochelle
City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19- 68

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT TO DUKE ENERGY PROGRESS INC. ON CITY-OWNED PROPERTY LOCATED AT 30 BUCHANAN PLACE (MCCORMICK FIELD PROPERTY)

WHEREAS, N.C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 30 Buchanan Place, identified as PIN # 964847856600000; and

WHEREAS, the adjacent property owner has requested that electricity be extended to a new complex for street lighting; and

WHEREAS, the portion of City land needed for the permanent easement comprises approximately 2,500 square feet and this electrical easement does not interfere with the City's use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

the City Manager is hereby authorized to execute any and all documents necessary to convey a permanent easement totaling 2,500 square feet over a portion of property located at 30 Buchanan Place to Duke Energy Progress, Inc.

Read, approved and adopted this 26th day of March, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

Robert P. Rocco Jr.
City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19 - 69

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FLETCHER HOSPITAL, INC. (DBA ADVENT HEALTH HENDERSONVILLE) FOR PHYSICIAN SERVICES AT THE EMPLOYEE HEALTH CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City issued a Request For Proposals (RFP) for physicians or physician practices to provide physician services at the Employee Health Center; and

WHEREAS, after reviewing the Responses to the RFP submitted by the offerors, City staff recommends that the City enter into a contract with Fletcher Hospital, Incorporated (DBA Advent Health Hendersonville) for physician services; and

WHEREAS, City staff recommends the execution of a contract with an initial term of one (1) year with up to two (2) one-year extensions to said contract upon mutual approval of the parties; and

WHEREAS, the contract effective date shall be January 1, 2019; and

WHEREAS, the contract value shall not exceed $114,000 for each calendar year of the contract, for a total potential expenditure of $342,000 ; and

WHEREAS, the monies for the initial term of this contract have been budgeted in the Health Care Fund Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and enter into a contract on behalf of the City of Asheville with Fletcher Hospital, Incorporated (DBA Advent Health Hendersonville) and further authorized to execute up to two one-year extensions to said contract for a total three year expenditure of $342,000.

Read, approved and adopted this the 26th day of March, 2019.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:
City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-70

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A GRANT AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE IN THE AMOUNT OF $4.2 MILLION IN FUNDING IN SUPPORT OF THE REDEVELOPMENT OF LEE WALKER HEIGHTS

WHEREAS, pursuant to NCGS 160A-456, the City is authorized to expend funds for community development programs and activities; and

WHEREAS, the City and region continue to face a serious current and projected shortage of affordable housing; and

WHEREAS, City Council approved and adopted Resolution No. 16-98 in support of the Housing Authority of the City of Asheville's (HACA) redevelopment of Lee Walker Heights (LWH), an existing public housing development, and committing key funding for the initial phase of redevelopment in an amount not to exceed $4.2 million; and

WHEREAS, the award of City funds was conditional upon HACA receipt of an award of Low Income Housing Tax Credit (LIHTC) funds and HACA received an award of tax credits in 2017 from the NCHFA resulting in approximately $14 million in investor equity for the LWH redevelopment; and

WHEREAS, the the Lee Walker Heights (LWH) redevelopment will replace the existing 96 public housing units with 212 new affordable mixed-income units serving families earning between 10% and 60% of Area Median Income (AMI), 96 of which will continue to have deep subsidies, serving families well below 50% of AMI and the Project will also include work to be undertaken for the benefit of 319 Biltmore Ave., a property adjacent to the Lee Walker Heights property that is is a City identified "High Impact Site" and on which the City currently has an Option to Purchase for potential use as a mixed-income, mixed-use development, such work to include a new street to be dedicated to the City which will connect into the LWH development from Biltmore Avenue, (herein "the Project"); and

WHEREAS, the total development costs of the Project are estimated to be approximately $39.7 Million and the project will be funded through a combination of 4% Low Income Housing Tax Credit (LIHTC) funds, HUD Funds, Housing Authority Funds, Buncombe County grant funds in the amount of $4.2 million and the City grant funds in the amount of $4.2 million; and

WHEREAS, HACA will be partnering with Mountain Housing Opportunities, through a newly formed entity named Maple Crest, LLC, to undertake this Project; and City grant funds will be granted directly to HACA to be invested by HACA in the Project consistent with Low Income Housing Tax Credit requirements; and

WHEREAS, City Staff has identified a funding steam that supports this $4.2 million funding request in a fiscally responsible manner and sourced from the following funds:

General Fund Fund Balance (reserved)	$1,380,000
Affordable Housing CIP (General CIP)	$1,000,000
General Obligation (GO) Housing Bond, High Impact Sites	$1,820,000
TOTAL	$4,200,000; and

WHEREAS, HACA will ensure that an amount equal to or greater than the $1,820,000 in General Obligation (GO) Housing Bond funding is expended on 319 Biltmore, a City identified "High Impact Site", for Eligible Project Costs as defined below; and

WHEREAS, the disbursement of funds to HACA shall be administered in accordance with the following schedule and upon City's receipt of proof of payment of Eligible Project Costs:

1. $1,400,000 within 7 days after the equity and construction finance closing (projected timing: May 7, 2019);
2. $1,400,000 when Eligible Project Costs for the Project have been incurred and paid equaling at least $1,120,000 (80% of the first draw, projected timing: July or August 2019);
3. $1,200,000 when Eligible Project Costs for the Project have been incurred and paid equaling $2,520,000 (100% of the first draw and 80% of the second, projected timing: October or November 2019);
4. $200,000 when Eligible Project Costs for the Project have been incurred and paid equaling at least $4,200,000; and

WHEREAS, "Eligible Project Costs" for purposes of this grant agreement shall be defined as demolition and site infrastructure costs, including without limitation, abatement, demolition, mobilization, erosion and stormwater control, excavation and grading, materials testing, retaining walls, guard rails, fencing, sewer, water, fire, electrical, and gas lines and other infrastructure improvements, landscape, streets, sidewalks, parking lots, related engineering costs for site work (not to exceed $150,000), and any other costs approved by the City Manager or his/her designee; and

WHEREAS, City Staff recommends that the $4.2 million in key funding for the initial phase of the redevelopment be granted based on: 1) the important public improvements HACA will be completing both at the Lee Walker Heights property and at the adjacent property located at 319 Biltmore a City identified "High Impact Site" for which bond funding is targeted; 2) the low subsidy per unit to assist very-low Area Median Income (AMI) families; 3) the guarantee by HACA of permanent affordability; 4) HACA has stated that it will not seek any additional funding support from the City for this project, thereby allowing the City to use its other sources of funds-HOME, CDBG, HTF for other community investment; and 5) the importance of this neighborhood redevelopment to the future success of the 212 individuals and families, and the unique 78 year relationship between the City of Asheville and HACA;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville hereby authorizes the City Manager to negotiate and enter into a grant agreement with the Housing Authority of the City of Asheville for $4.2 million in City funding in support of the redevelopment of Lee Walker Heights in accordance with the terms and conditions stated herein.

Read, approved and adopted the 26th day of March, 2019.

Magdalen Bowerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 19-71

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION

WHEREAS, the terms of Martha Geitner and Shaunda Sandford, as members of the Asheville City Board of Education, expire on April 1, 2019; and

WHEREAS, James Lee has resigned, thus leaving an unexpired term until April 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Martha Geitner, 68 French Willow Drive, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville City Board of Education, to serve an additional four-year term, term to expire April 1, 2023, or until her successor is appointed.

2. Shaunda Sandford, 139 S. Grove Street, Asheville, N.C., be and she is hereby reappointed as a member of the Asheville City Board of Education, to serve an additional four-year term, term to expire April 1, 2023, or until her successor is appointed.

3. James C. Carter, 112 Courtland Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Asheville City Board of Education, to serve the unexpired term of Mr. Lee, term to expire April 1, 2021, or until his successor is appointed.

Read, approved and adopted this 26th day of March, 2019.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

Kathleen P. Roche
CITY ATTORNEY

Magdalen Bullock
City Clerk

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RESOLUTION NO. 19-72

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A VEGETATION MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CITY TO ACCEPT RESPONSIBILITY TO PROVIDE VEGETATION CONTROL ON A PROPERTY ADJACENT TO THE INTERSECTION OF WEST HAYWOOD STREET AND PARK AVENUE NORTH

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160 of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) and the City of Asheville propose to enter into an agreement whereby the City agrees to accept responsibility to provide vegetation control on a property owned by the NCDOT; and

WHEREAS, the City agrees to be responsible to continually maintain all vegetation in accordance with generally accepted horticultural practices; and

WHEREAS, the City agrees to submit landscape designs, plans, and specifications in accordance with NCDOT's standard landscaping policies and procedures for highways if the City desires to install plantings or other amenities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a vegetation maintenance agreement with the North Carolina Department of Transportation (NCDOT) for the City to accept the responsibility to provide vegetation control on a property adjacent to the intersection of West Haywood Street and Park Avenue North.

Read, approved and adopted this the 9th day of April, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-73

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A VEGETATION MAINTENANCE AGREEMENT WITH THE WEST END CLINGMAN AVENUE NEIGHBORHOOD TO ACTUALLY PERFORM VEGETATION CONTROL ON A PROPERTY ADJACENT TO THE INTERSECTION OF WEST HAYWOOD STREET AND PARK AVENUE NORTH ON BEHALF OF THE CITY

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160 of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) and the City of Asheville propose to enter into an agreement whereby the City agrees to accept responsibility to provide vegetation control on a property owned by the NCDOT; and

WHEREAS, the City agrees to be responsible to continually maintain all vegetation in accordance with generally accepted horticultural practices; and

WHEREAS, the City agrees to submit landscape designs, plans, and specifications in accordance with NCDOT's standard landscaping policies and procedures for highways if the City desires to install plantings or other amenities; and

WHEREAS, the West End Clingman Avenue Neighborhood (WECAN) agrees to actually perform vegetation control on a property owned by the NCDOT; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a vegetation maintenance agreement with the West End Clingman Avenue Neighborhood to actually perform vegetation control on a property adjacent to the intersection of West Haywood Street and Park Avenue North on behalf of the City.

Read, approved and adopted this the 9th day of April, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19- 74

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (2010 CAT 305C CR Mini Excavator), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus 2010 CAT 305C CR Mini Excavator ("Mini Excavator"), with an estimated wholesale value of $30,000; and

WHEREAS, the Mini Excavator will be advertised on the Public Surplus Bid website and upon completion of the auction will be awarded to the highest bidder; and

WHEREAS, to authorize the sale of the Mini Excavator, City Council approval is needed; and

WHEREAS, the proceeds of the sale will be revenue for the Water Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the 2010 CAT 305C CR Mini Excavator

2. The Purchasing Manager is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the 2010 CAT 305C CR Mini Excavator.

Read, approved and adopted this the 9th day of April, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19-75

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH EARL SWENSSON ASSOCIATES, INC. FOR THE PHASE ONE DESIGN OF THE THOMAS WOLFE AUDITORIUM RENOVATIONS

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-64, statements of qualification were solicited for the project known as C1611 Thomas Wolfe Renovations; and

WHEREAS, the design team led by Earl Swensson and Associates, Inc. was judged the best qualified team for the project; and

WHEREAS, the scope and cee was negotiated for a contract that generally consists of design and cost estimating multiple design and pricing options so that a preferred option can be selected and a capital campaign can be established; and

WHEREAS, the funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Earl Swensson Associates, Inc. for the Phase One design and cost estimating services related to the Thomas Wolfe Auditorium Renovation for an amount not to exceed $339,300.00, and further authorizing the execution of any contract amendments up to 10% ($33,930.00) above the contract price, for additional services which may arise during execution of said project.

Read, approved and adopted this the 9th day of April, 2019.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-76

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SUNDANCE POWER SYSTEMS, INC. FOR THE ART TRANSIT STATION SOLAR ARRAY PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, A request for qualifications were solicited for the project known as the ART Station Solar Array Project, City of Asheville Project # B1703; and

WHEREAS, Sundance Power Systems, Inc. of Weaverville, NC was the lowest responsible and responsive bidder, in the amount of $121,882.08, and

WHEREAS, the project involves the installation of a solar array on the bus canopy at the ART station and connection to Duke Energy Progress' electric grid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Sundance Power Systems for an amount not to exceed $121,882.08, and further authorizing the execution any amendments up to the budgeted amount, which may arise during the execution of said project.

Read, approved and adopted this the 9th day of April, 2019.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19-77

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALLISON CONTRACTORS,LLC FOR THE BUS SHELTERS PHASE 2 BOND PROJECT, AND FURTHER AUTHORIZING THE EXECUTION OF ANY CHANGE ORDERS TO SAID CONTRACT WHICH MAY ARISE DURING EXECUTION OF SAID CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the project known as the Bond bus shelters phase 2, City Of Asheville Project # X-1703; and

WHEREAS ALLISON CONTRACTORS,LLC OF HENDERSONVILLE,NC was the lowest responsible bidder for the project; and

WHEREAS, the amount of the agreement is $116,969.00 plus a 10% contingency of $11,696.00,and the monies have been budgeted in the Budget; and

WHEREAS, the bids have been reviewed by the Capital Projects Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute, on behalf of the City of Asheville, a contract in the amount of $116,969.00 plus a contingency of 10% ($11,696.00) with ALLISON CONTRACTORS,LLC OF HENDERSONVILLE,NC for the contract known as bus shelters phase 2 bond project, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $128,665.00.

Read, approved and adopted this the 9th day of April, 2019.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-78

RESOLUTION APPROVING THE LOAN MODIFICATIONS REQUESTED BY MOUNTAIN HOUSING OPPORTUNITIES ("MHO") TO ALLOW THEM TO BORROW NEW FUNDS FROM BELLWETHER ENTERPRISE REAL ESTATE CAPITAL, LLC ("BELLWETHER") IN ORDER TO REFINANCE THE EAGLE MARKET PLACE DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, in March 2011, the Asheville City Council approved Resolution 11-46 authorizing a Housing Trust Fund ("HTF") loan in the amount of $350,000 to Mountain Housing Opportunities through the entity Eagle Market Place, LLC to produce affordable housing units; and

WHEREAS, in August 2013, the Asheville City Council approved Resolution 13-193, authorizing an Urban Redevelopment ("URLDA") loan in the amount of $3,867,618 to Mountain Housing Opportunities through the entity Eagle Market Place, LLC to produce 62 affordable residential units; and

WHEREAS, in August 2013, the Asheville City Council approved Resolution 13-192 authorizing the investment of an additional $500,000 in Housing Trust Fund funds for a total loan amount of $800,000; and

WHEREAS, in November 2014, the Asheville City Council approved Resolution 14-253 placing the City of Asheville Urban Redevelopment Loan in second lien position at the close of permanent financing and the City of Asheville Housing Trust Fund Loan in fourth lien position at the close of permanent financing; and

WHEREAS, on November 10, 2015, the City Council approved loan modifications to the HTF Loan and Deed of Trust as recorded in Book 5481, Page 1588 of the Buncombe County Registry and loan modifications to the URLDA loan and Deed of Trust as recorded in Deed Book 5481 at Page 1584 of the Buncombe County Registry reducing the number of affordable housing units in Eagle Market Place designated for households at the 60% AMI level from 62 to 32 and increasing the AMI levels for the other 30 units to 120% of AMI; and

WHEREAS, the existing North Carolina Housing Finance land use restrictive covenants were not modified in 2015, to reflect the aforementioned change in percent of 60% AMI affordable units and NCHFAC is requiring this modification be made at this time and the City must subordinate (consent) to this modification; and

WHEREAS, Mountain Housing Opportunities has acquired a commitment of funding from Bellwether and CAHEC and intends to use these funds to pay off existing loans to TD Bank and JBM Community Resources, Inc.; and

WHEREAS, the new loan would require the City to modify the terms of its existing loans and subordinate its lien position on those loans to Bellwether as described in the Staff Report,

placing the URDLA Loan in third lien position and the HTF Loan in fifth lien position and extending the URDLA loan term by 12 months and the HTF Loan loan term by 11 months, with both loans having a new maturity date of December 10, 2034; and

WHEREAS, the actions described above would help strengthen the financial condition of the property and ensure the maintenance of affordable housing units in Downtown Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Loan Modifications requested by MHO to allow them to borrow new funds to refinance the Eagle Market Place development are hereby approved and the City Manager of the City of Asheville is hereby authorized to negotiate and execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-79

RESOLUTION AUTHORIZING THE SUBORDINATION OF THE CITY'S COMMERCIAL LOAN WITH EMP COMMERCIAL, LLC

WHEREAS, the City Council of the City of Asheville approved a commitment of $718,000 from General Fund to Mountain Housing Opportunities for the Eagle Market Place Project Commercial Loan by Resolution No. 37-321 which replaced previously awarded Section 108 funding; and

WHEREAS, the Eagle Market Place property commercial entity, EMP Commercial LLC, currently owns the commercial unit within the Eagle Market Place development and is liable to four sources of debt financing as listed below -

- Carolina Small Business Development Fund ($1,700,000)
- Buncombe County ($500,000)
- City of Asheville ($718,000)
- Mountain Housing Opportunities ($1,000,000); and

WHEREAS, the existing Buncombe County loan of $500,000 will be replaced with a new $500,000 loan subject to the subordination of junior lien holders to said new loan; and

WHEREAS, the executed refinancing will leave the City of Asheville's loan of $718,000 secured by a Deed of Trust and the loan will remain in the third repayment position;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville authorizes the City Manager to enter into a subordination agreement with EMP Commercial, LLC and Buncombe County and any other documents necessary and in accordance with the intent set forth herein.

Read, approved and adopted the 9th day of April, 2019.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 19- 80

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY MARKET, WEEKLY ON SATURDAYS FROM APRIL 13, 2019 - DECEMBER 21, 2019, BETWEEN THE HOURS OF 8:00 AM – 12:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville City Market.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Asheville City Market event area, as set forth in Exhibit A, attached.

   The Asheville City Market event area is within the boundaries of North Market Street between the intersections of Walnut Street and Woodfin Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Asheville City Market conducted weekly on Saturdays from April 13, 2019 – December 21, 2019, from 8:00 a.m. – 12:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine served in one-ounce samples, contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Asheville City Market event area. No other possession of open containers of malt beverages and/or unfortified wine or

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consumption of malt beverages and/or unfortified wine shall be permitted in the Asheville City Market event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville City Market, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of April 2019.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

EXHIBIT A

Alcohol Area

362

RESOLUTION NO. 19- 81

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASPIRE EXPERIENCE ON THE DATE OF APRIL 14, 2019, FROM 6:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at The Aspire Experience.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within The Aspire Experience event area, as set forth in Exhibit A, attached.

   The Aspire Experience event area is within the boundaries of the Roger McGuire Green at Pack Square Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for The Aspire Experience on Sunday, April 14, 2019, from 6:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in The Aspire Experience event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in The Aspire Experience event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of The Aspire Experience, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of April 2019.

Magdalen Bullerson
City Clerk

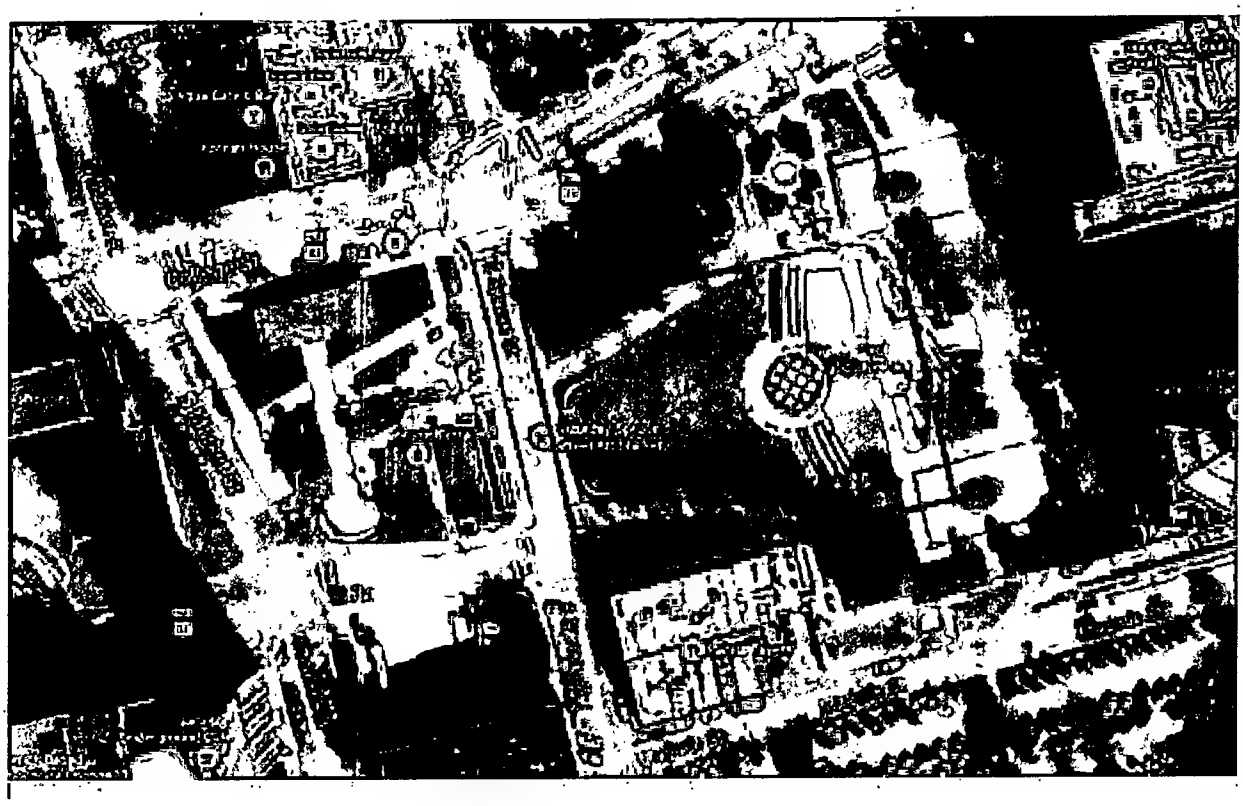
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19- 82

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB GAMES ON THE DATES OF APRIL 26, 27, MAY 7, 10, 16, 18, 25, JUNE 7, 8, 12, 18, 25, 28, 29, JULY 5, 6, 7, 2019, FROM 6:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville City Soccer Club Games.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Asheville City Soccer Club Games event area, as set forth in Exhibit A, attached.

   The Asheville City Soccer Club Games event area is within the boundaries of Memorial Stadium, located at 32 Buchanan Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Asheville City Soccer Club Games on Sunday, April 26, 27, May 7, 10, 16, 18, 25, June 7, 8, 12, 18, 25, 28, 29, July 5, 6, 7, 2019 from 6:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Asheville City Soccer Club Games event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption

of malt beverages and/or unfortified wine shall be permitted in the Asheville City Soccer Club Games event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville City Soccer Club Games, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of April 2019.

Magdalen Burleson
City Clerk

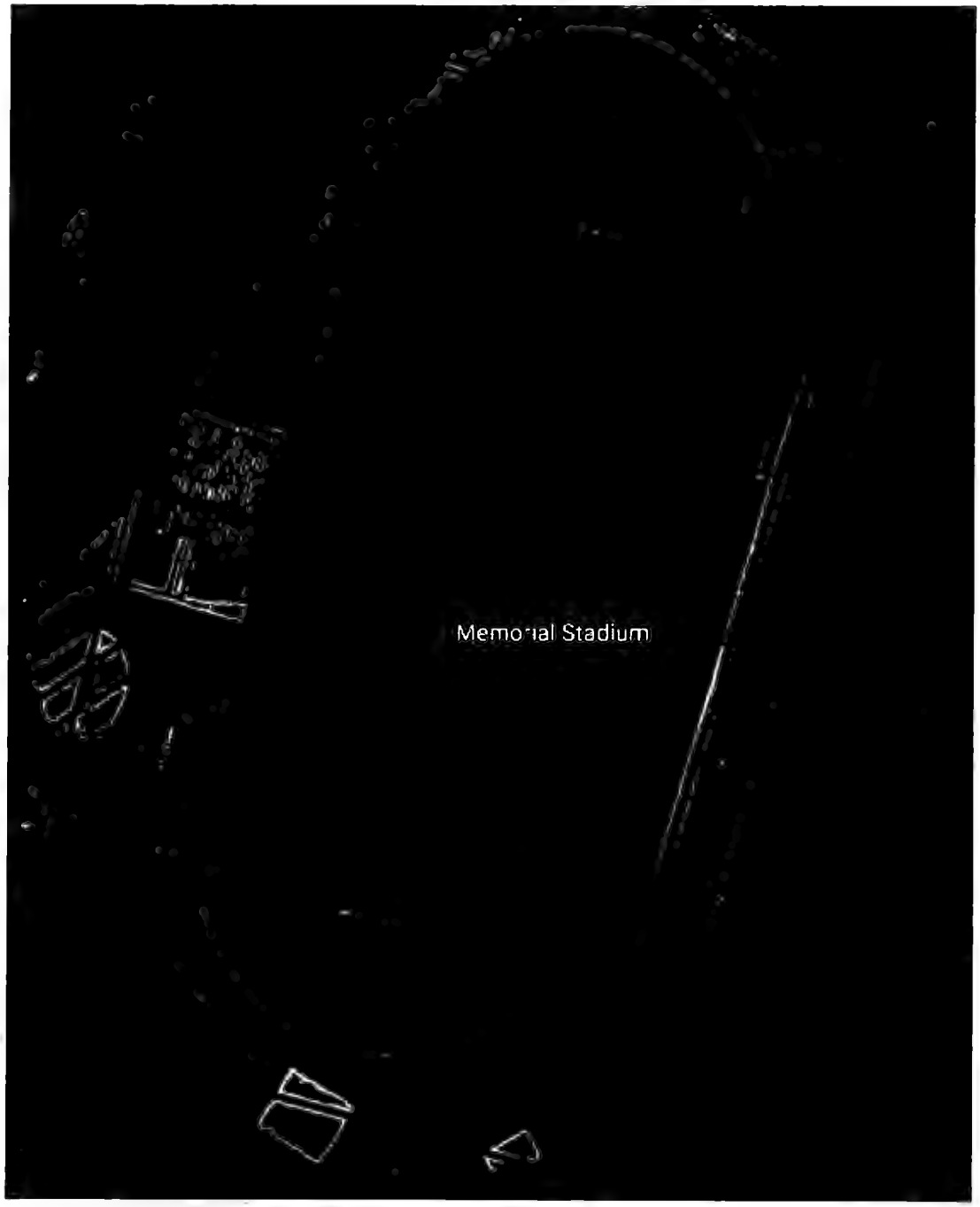
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19- 83

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST ON THE DATE OF JUNE 9, 2019, FROM 11:00 AM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival and Section 11-20 of the Asheville City Code permits the sale of malt beverages and unfortified wine on Sunday mornings beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville VeganFest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Asheville VeganFest event area, as set forth in Exhibit A, attached.

   The Asheville VeganFest event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Asheville VeganFest on Sunday, June 9, 2019, from 11:00 a.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Asheville VeganFest event area. No other possession of

open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permittedin the Asheville VeganFest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville VeganFest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of April 2019.

Magdalen Burleson
City Clerk

Mayor

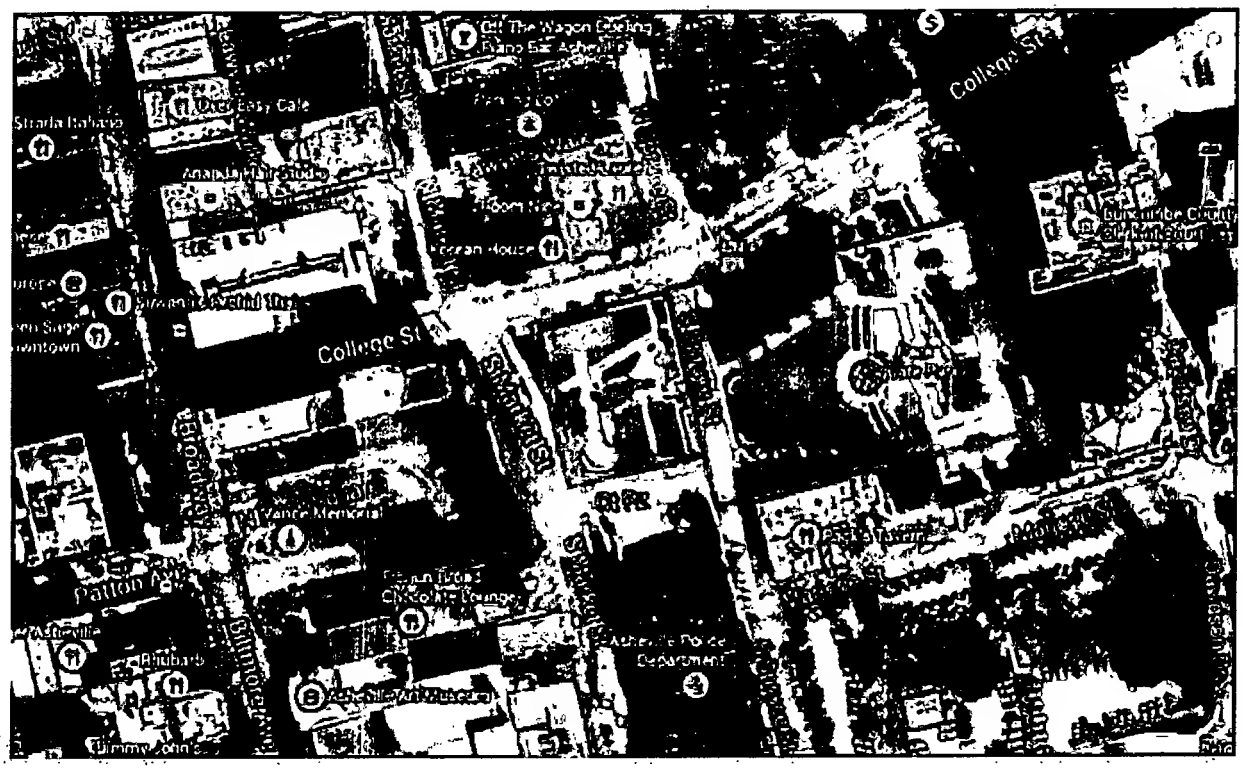
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

370

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19- 84

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF SEPTEMBER 1, 2019, FROM 12:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Cup.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Beer City Cup event area, as set forth in Exhibit A, attached.

   The Beer City Cup event area is within the boundaries of Memorial Stadium, located at 32 Buchanan Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Beer City Cup on Sunday, September 1, 2019, from 12:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Beer City Cup event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Beer City Cup event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Cup, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of April 2019.

Magdalen Bouleson
City Clerk

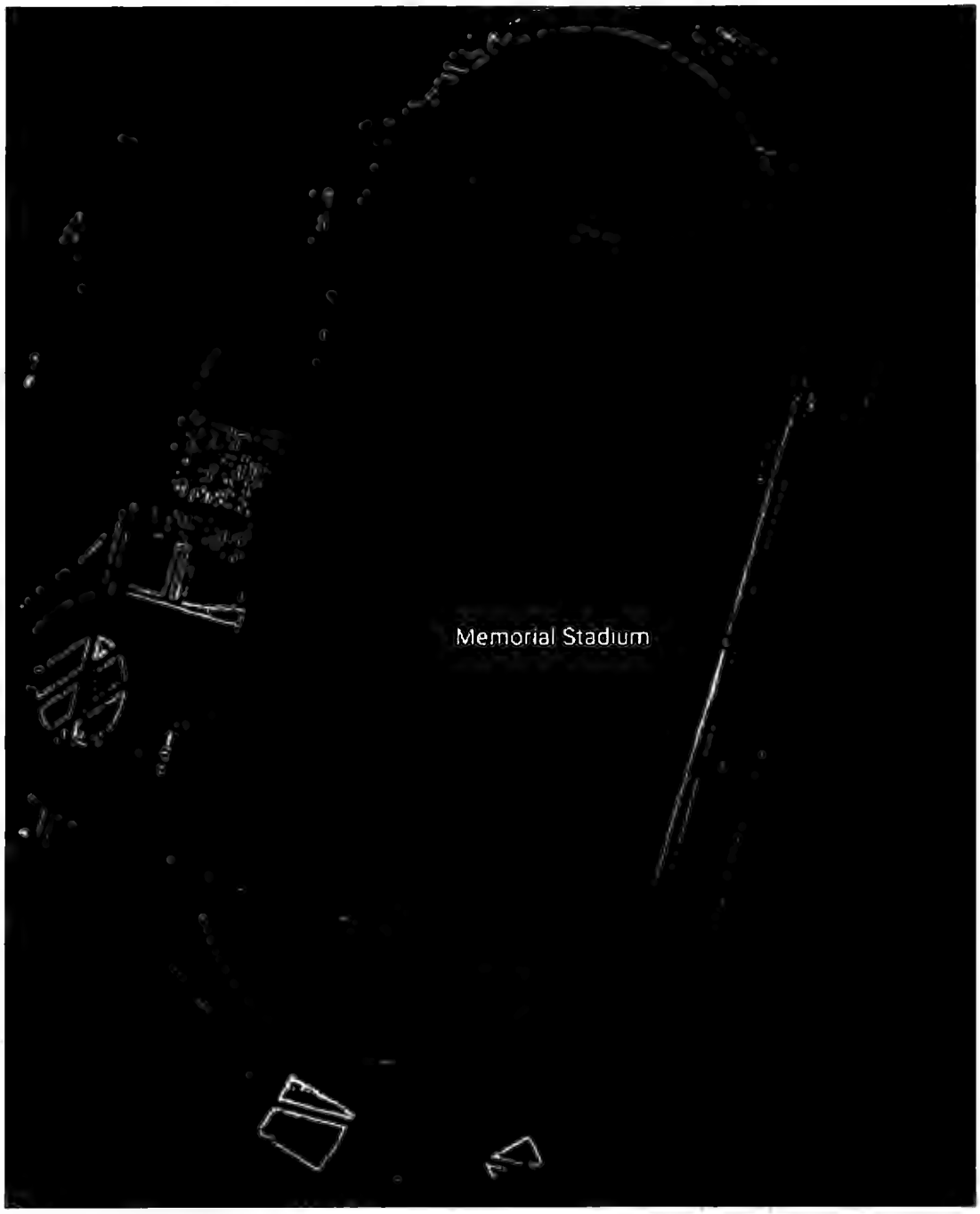
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19- 85

RESOLUTION GRANTING PERMISSION THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CHOW CHOW ASHEVILLE CULINARY FESTIVAL ON THE DATES OF SEPTEMBER 13, 2019, FROM 11:00 AM – 5:00 PM, SEPTEMBER 14, 2019, FROM 9:00 AM - 5:00 PM, AND SEPTEMBER 15, 2019, FROM 11:00 AM - 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival and Section 11-20 of the Asheville City Code permits the sale of malt beverages and unfortified wine on Sunday mornings beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Chow Chow Asheville Culinary Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Chow Chow Asheville Culinary Festival event area, as set forth in Exhibit A, attached.

   The Chow Chow Asheville Culinary Festival event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Chow Chow Asheville Culinary Festival on Friday, September 13, 2019, from 11:00 a.m. – 5:00 p.m., Saturday, September 14, 2019, from 9:00 a.m. - 5:00 p.m., and Sunday, September 15, 2019, from 11:00 a.m. - 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Chow Chow Asheville Culinary Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Chow Chow Asheville Culinary Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Chow Chow Asheville Culinary Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of April 2019.

Magdalen Bulleson
City Clerk

Mayor

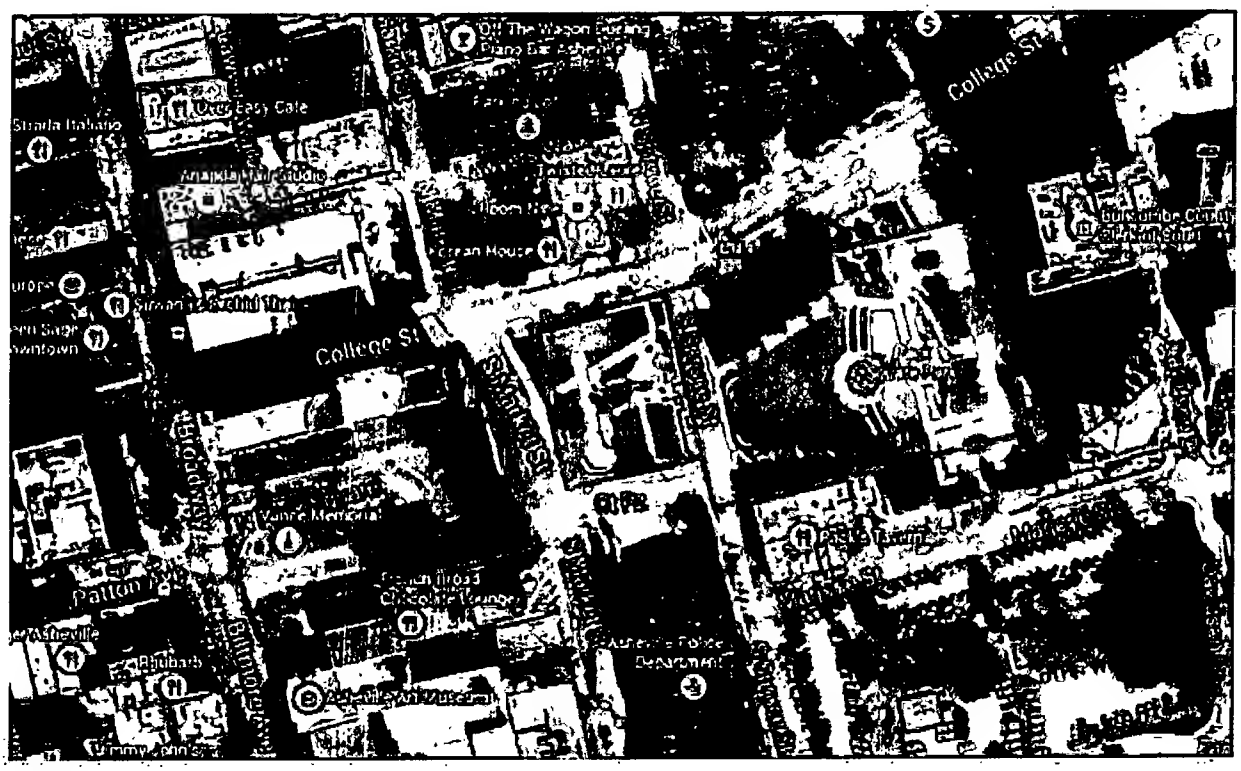
Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

376

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19- 86

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ZERO PROSTATE CANCER 5K RUN/WALK ON THE DATE OF AUGUST 24, 2019, FROM 7:00 AM – 11:00 AM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the ZERO Prostate Cancer 5K Run/Walk.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the ZERO Prostate Cancer 5K Run/Walk event area, as set forth in Exhibit A, attached.

   The ZERO Prostate Cancer 5K Run/Walk event area is within the boundaries of the Velodrome at Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the ZERO Prostate Cancer 5K Run/Walk on Saturday, August 24, 2019, from 7:00 a.m. – 11:00 a.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the ZERO Prostate Cancer 5K Run/Walk event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the ZERO Prostate

Cancer 5K Run/Walk event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the ZERO Prostate Cancer 5K Run/Walk, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of April 2019.

Magdalen Bowlson
City Clerk

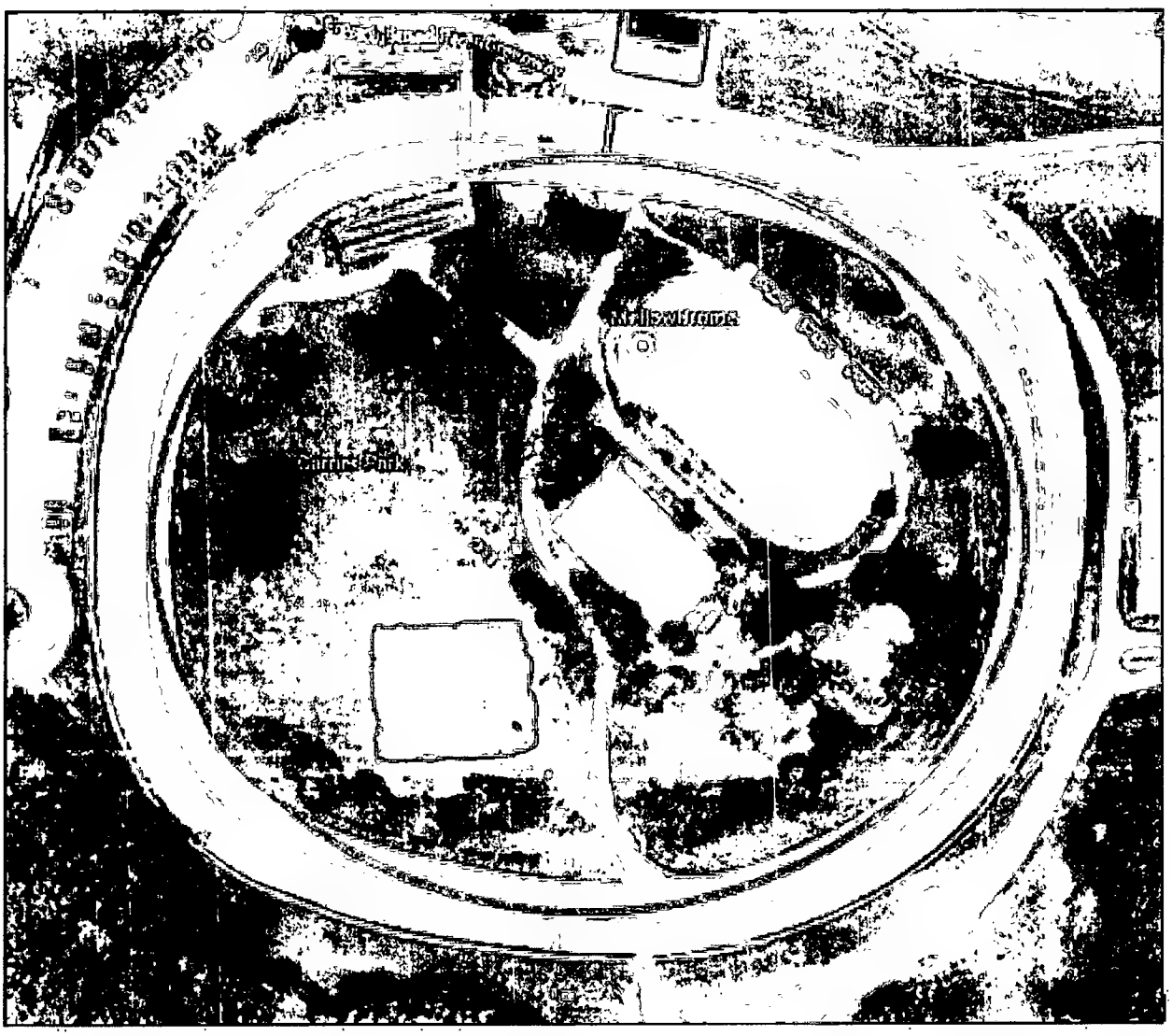
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A



Alcohol Area

380

RESOLUTION NO. 19- 87

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BREWS & BEARS ON THE DATES OF MAY 11, 2019, JUNE 14, 2019, JULY 12, 2019, AND AUGUST 9, 2019, FROM 5:30 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Brews & Bears.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Brews & Bears event area, as set forth in Exhibit A, attached.

   The Brews & Bears event area is within the boundaries of the WNC Nature Center, located at 75 Gashes Creek Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Brews & Bears on Fridays, May 11, 2019, June 14, 2019, July 12, 2019 and August 9, 2019, from 5:30 p.m. – 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Brews & Bears event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Brews & Bears event area, or elsewhere

in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Brews & Bears, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 9th day of April 2019.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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EXHIBIT A

Alcohol Area

RESOLUTION NO. 19-88

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A LICENSE AGREEMENT WITH DUKE ENERGY PROGRESS, INC. AND MAPLE CREST, LLC FOR DEMOLITION, IMPROVEMENTS AND OTHER CONSTRUCTION RELATED ACTIVITIES ON PROPERTY AT 319 BILTMORE AVENUE

WHEREAS, N.C. G. S. 160A-16, the City is authorized to enter into contracts; and

WHEREAS, the City of Asheville, hereinafter the City, has an Option to Purchase property located at 319 Biltmore Avenue (identified as PINS 9648-46-1623 and 9648-46-0425) from the current owner, Duke Energy Progress, Inc. (herein "DEP"); and

WHEREAS, the City entered into the Option to Purchase with the specific intention of redeveloping the property into an affordable, mixed-income, mixed-use community that would complement and enhance the redevelopment efforts on an adjacent property owned by the Asheville Housing Authority known as Lee Walker Heights; and

WHEREAS, the Lee Walker Heights redevelopment project will replace the existing 96 public housing units with 212 new affordable, mixed-income units serving families earning between 10% and 60% of Area Median Income (AMI) and the project will also include work to be undertaken for the benefit of 319 Biltmore Avenue, a property which is identified by the City as a "High Impact Site", such work to include a new road to connect from Biltmore Avenue into the Lee Walker Heights development; and

WHEREAS, Maple Crest LLC, an entity formed by the Housing Authority of the City of Asheville and Mountain Housing Opportunities, Inc., will be performing the work associated with the redevelopment of Lee Walker Heights; and

WHEREAS, as outlined in the Option to Purchase, the City, or its assigns, is authorized to undertake building demolition, earthmoving, roadway improvements, and related construction activities on the 319 Biltmore Avenue property; and

WHEREAS, the City desires to assign/grant its rights to undertake the aforementioned activities on the 319 Biltmore Ave. property to Maple Crest, LLC and has requested that DEP approve this transfer of specific construction related rights and responsibilities outline in the Option to Maple Crest and has also requested that Maple Crest be granted the right to engage in additional activities on the site including erosion control, environmental remediation, fencing and construction staging; and

WHEREAS, DEP has agreed to allow Maple Crest the right to conduct the aforementioned construction related activities on the 319 Biltmore Ave. property upon execution of this tri-party License Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and enter into a license agreement with Duke Energy Progress, Inc. and Maple Crest LLC for demolition, improvements and other construction related activities at 319 Biltmore Avenue. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-89

RESOLUTION AUTHORIZING A ONE-TIME EXCEPTION TO ARTICLE IV, SECTION A (2), OF THE HOMELESS INITIATIVE ADVISORY COMMITTEE (HIAC) BYLAWS TO ALLOW THE CURRENT CHAIR TO SERVE FOR AN ADDITIONAL 1 YEAR PERIOD, AN AMENDMENT TO ARTICLE VI TO ALLOW INCLUSION OF NON-HIAC MEMBERS IN HIAC SUBCOMMITTEES, AND AN ADDITION OF A NEW ARTICLE VIII TO ESTABLISH A PARLIAMENTARY AUTHORITY - ROBERT'S RULES OF ORDER - FOR CERTAIN MEETING CONDUCT

WHEREAS, Resolution 08-227, November 11, 2008 as amended by Resolution 18-20, January 23, 2018 established the Homeless Initiative Advisory Committee (HIAC) as a jointly appointed City and Buncombe County advisory body to address issues related to homelessness and adopted Bylaws to govern this Committee; and

WHEREAS, Article IV, Section A (2) of the current Bylaws limits the term of Officers (Chair and Vice Chair) to no more than two consecutive terms and this rule would prevent an experienced Chair from serving beyond May 2019; and

WHEREAS, HIAC believes that continuity and consistency in leadership is necessary until another full-time Chair can be identified and appointed and therefore, requests City Council approval for a one-time exception to this term limit to allow the current Chair to serve for an additional one-year period to May 2020; and

WHEREAS, Article VI of the HIAC Bylaws limits membership in subcommittees to HIAC members and HIAC believes increased community participation is necessary to the work of the Committee and therefore recommends an amendment to this section of the Bylaws to allow participation by non-HIAC members in subcommittees; and

WHEREAS, Resolution No. 18-20 authorized HIAC subcommittees or working groups to be comprised of both HIAC members and members of the community at large, but this change was never made in the Bylaws and HIAC wants to ensure this amendment is made; and

WHEREAS, neither Resolution 08-227 nor Resolution 18-20 provides for a parliamentary authority for the purpose of HIAC meeting conduct and HIAC would like to amend the Bylaws to require the adoption of Robert's Rules of Order, Newly Revised as parliamentary authority and procedural guidance in situations in which the Bylaws do not specify a particular procedure to be followed; and

WHEREAS, the Bylaws of the Homeless Initiative Advisory Community provide for amendments subject to approval by City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A one-time exception to Article IV, Section A (2) of the HIAC Bylaws be granted to allow the current Chair to serve for an additional one year period to May 2020; that Article VI of the HIAC Bylaws be amended to allow participation of non-HIAC members in subcommittees; and that the provisions in Article VIII regarding Bylaw Amendments be replaced with a provision which will require that Robert's Rules of Order, Newly Revised, be used as parliamentary authority and procedural guidance in situations where the existing Bylaws do not contain a

specific procedural requirement; and to move the provisions regarding Bylaw Amendments to a new Article IX .

Read, approved and adopted the 9th day of April, 2019.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-90

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A GUARANTEED MAXIMUM PRICE WITH THE SELECTED CONSTRUCTION MANAGER AT RISK FIRM, J. BRADY CONTRACTING, INC, FOR THE U.S. CELLULAR CENTER FACILITY RENOVATION & HVAC MODERNIZATION CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1, statements of qualification were solicited for a construction manager-at-risk the project known as the U.S. Cellular Center Facility Renovation and HVAC Modernization, City of Asheville Project #C1701; and

WHEREAS, J. BRADY CONTRACTING, INC., was judged the best qualified firm for the project; and

WHEREAS, the contract generally consists of preconstruction services, and construction management services in order to renovate the U.S. Cellular Center press/meeting room, expand storage, and to modernize the HVAC systems in order to expand type and frequency of events the venue can host; and

WHEREAS, the CMAR completed the preconstruction services and facility renovation, prequalified first tier subcontractors, and publicly bid the HVAC Modernization Phase of the project, and the City and CMAR negotiated for construction services; and

WHEREAS, the City entered into a contract in the amount of $67,000.00 for preconstruction services, amended said contract for the amount of $536,135.00 for the facility renovation, received a credit in the amount of $113,097.21, and the amendment to said contract for the HVAC modernization phase is a guaranteed maximum price of $3,491,227.00, for a total guaranteed maximum price of $3,981,264.79 for services necessary to complete this project; and

WHEREAS, additional funding for the project has been identified within the existing USCC Capital Improvement Program Fund and from USCC fund balance;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a contract amendment to the construction manager-at-risk contract with J. BRADY CONTRACTING, INC., in the amount of $3,378,129.79, for a total maximum price of $3,981,264.79, for this phase of construction services for the U.S. Cellular Center Facility Renovation and HVAC Modernization contract, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $4,136,594.00.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Bruleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

RESOLUTION NO. 19-91

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A GROUND LEASE TO BUNCOMBE COUNTY ON CITY-OWNED PROPERTY AT 904 TUNNEL ROAD

WHEREAS, pursuant to N.C. Gen. Stat. sec. 160A-274, the City is authorized to lease property to any other government entity upon such terms and conditions as it deems wise; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at Avon Road and Tunnel Road, identified as PIN # 9658-87-7320-00000; and

WHEREAS, Buncombe County desires a long-term lease (99 year) of a 1.839 portion of said property ("Leased Premises") in order to construct a new East Asheville Library complex, the Leased Premises will have an address of 3 Avon Road; and

WHEREAS, Buncombe County will construct a new playground and resurface the existing basketball court on the property and assume responsibility for the operation, maintenance and repair of these park improvements and the County will also construct a new crosswalk on Tunnel Road for pedestrians;and

WHEREAS, the County shall be responsible for all costs associated with the construction, operation, repair and maintenance of improvements on the Leased Premises; and

WHEREAS, the lease area will not interfere with the operation of the Asheville Fire Station #8; and

WHEREAS, these civic improvements will benefit the citizens of the City of Asheville and Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and execute a long-term Lease Agreement between the City of Asheville and Buncombe County for a 1.839 acre portion of land at 904 Tunnel Road, PIN #9658-87-7320-00000 for the East Asheville Library. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19-92

RESOLUTION AMENDING THE CITY OF ASHEVILLE STANDARD SPECIFICATIONS AND DETAILS MANUAL

WHEREAS, the City Council of the City of Asheville previously approved a Standard Specifications and Details Manual on May 13, 2014 (Resolution 14-95), as amended on June 9, 2015 and June 14, 2016; and

WHEREAS, the purpose of the Manual is to provide design guidelines and technical specifications for construction activities related to public safety, streets, sidewalks, water systems, storm drainage, parking lots and pavement structure; and

WHEREAS, the Manual sets forth the City's minimum construction standards and is applicable to projects on both public and private property; and

WHEREAS, the Manual is intended to be amended as needed to include new emerging technologies; and

WHEREAS, the Manual is intended to be periodically updated so that it continues to reflect generally accepted professional technical standards and specifications and City policies; and

WHEREAS, this amendment adds a new "Section 11. Small Wireless Facilities" with said section establishing new standards and details for the installation of small wireless facilities attached to public utility infrastructure, as well as the establishment of new poles for the purpose of supporting these facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville approves a resolution amending the City's Standard Specifications and Details Manual to add a new "Section 11. Small Wireless Facilities" with said section establishing new standards and details for the installation of small wireless facilities attached to public utility infrastructure, as well as the establishment of new poles for the purpose of supporting these facilities.

Read, approved and adopted this the 9th day of April 2019.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 19-93

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, Jayden Gurney (resident of Housing Authority property) resigned, thus leaving an expired term until June 30, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Sandy Aldridge, 116 Veronica Lane, Asheville, N.C., be and she is hereby appointed as a member of the Citizens-Police Advisory Committee (resident of the Housing Authority property) to serve the unexpired term of Mr. Gurney, term to expire June 30, 2019, and then a full three-year term, term to expire June 30, 2022, or until her successor has been appointed.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-94

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Jay Miller has resigned from the Public Art & Cultural Commission, thus leaving an expired term until June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Jasmine Washington, 500 Founders Drive, Asheville, N.C., be and she is hereby appointed as a member of the Public Art & Cultural Commission to serve the unexpired term of Mr. Miller, term to expire June 30, 2020, or until her successor has been appointed.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-95

RESOLUTION APPOINTING A MEMBER TO THE TREE COMMISSION

WHEREAS, Shawn Swartz has resigned from the Tree Commission, thus leaving an expired term until December 31, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Patrick Gilbert, 14 Stonebridge Drive, Asheville, N.C., be and he is hereby appointed as a member of the Tree Commission to serve the unexpired term of Mr. Swartz, term to expire December 31, 2019, or until his successor has been appointed.

Read, approved and adopted this 9th day of April, 2019.

Magdalen Bruleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bruleson
City Clerk

RESOLUTION NO. 19-96

RESOLUTION PROTECTING OUR OCEAN AND COAST FROM OFFSHORE EXPLORATION AND DRILLING

WHEREAS, the City of Asheville is a climate leader and understands the importance of transitioning away from fossil fuels to a renewable energy economy for climate stability; and

WHEREAS, we in Western North Carolina value the Atlantic Ocean for recreational, commercial, and educational activities, all of which support our state's economy; and

WHEREAS, North Carolina's ocean economy contributed $2.1 billion to GDP in 2013, and an estimated 43,385 jobs. (Sea Grant & Duke, 2017); and

WHEREAS, our city's residents value our state's ocean and coastal waters, which provide habitat to a vast array of wildlife, including endangered mammals, fish, sea turtles, and birds that depend on a healthy and clean environment; and

WHEREAS, offshore oil and gas drilling and seismic exploration off the Atlantic coast put these coastal resources, and the communities and industries that depend on them, at risk from oil spills, intense ocean noise, and other damage; and

WHEREAS, expanding offshore oil and gas drilling and seismic exploration threatens coastal stakeholders, marine wildlife, human health and climate; and

WHEREAS, the Trump administration has proposed to dramatically expand offshore oil and gas leasing in all US oceans; and

WHEREAS, several cities and states have taken a stand against new federal offshore oil, seismic blasting, and gas leases off the Atlantic coast; and

WHEREAS, expanding offshore drilling anywhere will deepen the country's dependence on fossil fuels and undermine its efforts to address climate change by reducing greenhouse gas emissions and moving toward renewable energy; and

WHEREAS, the U.S. Department of Interior develops and implements a nationwide offshore oil and gas leasing program that determines the size, timing and location of lease sales for the Outer Continental Shelf;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Clerk

The City of Asheville supports (1) a ban on new offshore oil and gas drilling and seismic oil exploration in federal and state waters off the Atlantic coast, and (2) no new federal oil and gas leasing in all U.S. waters, including off the Atlantic Coast.

The Clerk shall forward a copy of this proclamation to acting Secretary David Bernhardt; Governor Roy Cooper; U. S. Senators Thom Tillis and Richard Burr; U.S. Congressmen Mark Meadows and Patrick McHenry; and any other interested parties.

Read, approved and adopted this 23rd day of April, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-97

RESOLUTION APPROVING THE GRANTING OF A COMMUNITY DEVELOPMENT BLOCK GRANT CONTRACT TO GREEN OPPORTUNITIES, INC. ON BEHALF OF THE SUPPORTING PEOPLE'S ACCESS TO RELIABLE CARE (SPARC) FOUNDATION AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, in June 2018, the Asheville City Council approved Resolution 18-141 approving the 2018-2019 Consolidated Annual Action Plan authorizing the City Manager to execute grant and loan agreements for funding derived from the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) programs; and

WHEREAS, in June 2018, the SPARC Foundation, a 501(c)(3) organization, received a commitment of $43,000 in CDBG funds to support their Employment and Life Skills Initiative program under the eligible activity of "Economic Development"; and

WHEREAS, in or to carry out program activities as an economic development project, and execute the contract necessary to draw upon the awarded funds, an entity is required to possess a Community Based Development Organization (CDBO) status or rely on an entity with CBDO status to serve as a fiscal agent; and

WHEREAS, The SPARC Foundation is not designated as a CDBO, but has executed a Memorandum of Understanding (MOU) with Green Opportunities, Inc., a qualified CDBG, to serve as its fiscal agent for the contract period; and

WHEREAS, The SPARC Foundation requests that the City enter into a CDBG contract with Green Opportunities acting on its behalf so that it may access its 2018-2019 award of funds; and

WHEREAS, the actions described above would help support community partners focused on the strengthening of communities and economic opportunity in Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The request to contract with Green Opportunities, Inc. to serve as fiscal agent for The SPARC Foundation's 2018-2019 CDBG award funds is hereby approved and the City Manager is hereby authorized to negotiate and execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 23rd day of April, 2019.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-98

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BASELINE SPORTS CONSTRUCTION, LLC, FOR CONSTRUCTION SERVICES AT ASHEVILLE MIDDLE SCHOOL ATHLETIC FIELDS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, Pursuant to N.C.G.S. 143-129 City advertised for bids and Baseline Sports Construction, LLC, was selected as the lowest, responsible bidder as part of an Advertisement for Bids process;

WHEREAS, the City has identified the need for updates at Asheville Middle School and plans to complete the project with capital funding; and

WHEREAS, aligns with the City Council 2036 Vision in the following ways: (1) It supports an equitable and diverse community; and (2) it supports a well-planned and livable community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Baseline Sports Construction, LLC, to provide construction services for Asheville Middle School Athletic Field Project for an amount of $612,000, and further authorizing the execution of any contract amendments up to 10% ($61,800) above the contract price.

Read, approved and adopted this the 9th day of April, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-99

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT WITH LAND OF SKY REGIONAL COUNCIL TO PROVIDE MATCHING FUNDS FOR CORRIDOR STUDIES ON TUNNEL ROAD AND HENDERSONVILLE ROAD

WHEREAS, the City has the authority, pursuant to N.C.G.S. § 160A-461, to enter into interlocal agreements; and

WHEREAS, the French Broad River Metropolitan Planning Organization has programmed funding for corridor studies for Tunnel Road and Hendersonville Road in the amount of $350,000; and

WHEREAS, completion of the studies requires a portion of the matching funds to be provided by the City of Asheville in the amount of $25,593; and

WHEREAS, the Land of Sky Regional Council, as the lead agency for the French Broad River Metropolitan Planning Organization will manage and execute all contracts associated with the studies; and

WHEREAS, the required local match will be programmed in the City's Fiscal Year 2019 and Fiscal Year 2020 budget;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign an interlocal agreement with Land of Sky Regional Council to provide $25,593 in matching funds over a two year period for the completion of corridor studies on Tunnel Road and Hendersonville Road.

Read, approved and adopted this 23rd day of April, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19-100

RESOLUTION APPROVING THE LOAN MODIFICATION REQUESTED BY MOUNTAIN HOUSING OPPORTUNITIES ("MHO") TO ALLOW THEM TO MAINTAIN AFFORDABLE HOUSING CONDITIONS AT THE RIVER GLEN APARTMENTS DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, in August 1998, the City of Asheville executed a HOME loan agreement with MHO in the amount of $268,800, secured by a promissory note and deed of trust, for the production of thirty-eight (38) affordable housing units at the River Glen Apartments property; and

WHEREAS, the term of the loan was to run for a period of twenty (20) years, wherein at its expiration the full principal amount was to be due in full; and

WHEREAS, in August 2018, MHO stated their intention to continue management of the property's thirty-eight (38) units as affordable to households at or below the 60% Area Median Income (AMI) level for an additional period of twenty (20) years, and requested the terms of the loan be extended for a period of twenty (20) years to match the period of affordability; and

WHEREAS, the modification of a HOME loan agreement requires formal approval by the Asheville Regional Housing Consortium and the City of Asheville; and

WHEREAS, in November 2018, the Asheville Regional Housing Consortium approved the request by MHO; and

WHEREAS, the City's loan will remain in its third lien position; and

WHEREAS, the actions described above would help maintain the financial condition of the property and ensure the maintenance of affordable housing units in the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Loan Modification requested by MHO to modify the existing City HOME loan for the River Glen Apartments property by extending the loan period for an additional 20 years, is hereby approved and the City Manager of the City of Asheville is hereby authorized to negotiate and execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 23rd day of April, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19- 101

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION LOW OR NO EMISSION VEHICLE PROGRAM

WHEREAS, pursuant to N.C.G.S. § 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, The Federal Transit Administration (FTA) has announced an opportunity for $85 million in FY 2019 funds for the Low or No Emission Grant Program for the purchase or lease of low or no emission vehicles; and

WHEREAS, the FTA will reimburse up to 85 percent of the cost of the vehicles; and

WHEREAS, the City has identified projects that would be eligible for this funding, consistent with the Transit Master Plan; and

WHEREAS, the local match would come from the General Fund Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council approve a resolution authorizing the City Manager to apply to the 2019 Federal Transit Administration's (FTA) Low or No Emission Vehicle Program in order to purchase two hybrid buses, and if successful, to accept the grant funds and execute a grant agreement.

Read, approved and adopted this 23rd day of April, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

400

RESOLUTION NO. 19-102

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS COMMERCE STREET

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unopened right of way known as Commerce Street; and

WHEREAS, City Council on the 12th day of March, 2019, adopted a Resolution of Intent to permanently close an unopened right of way known as Commerce St., and ordering a public hearing on the question of the closing for the 23rd day of April, 2019, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right of way known as Commerce St; and

WHEREAS, the City Council held a public hearing on the closure on April 23, 2019, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way known as Commerce St, described as follows:

Beginning at a point in the southern right of way line for Meadow Road, said point being west of

the intersection of Meadow Road and Biltmore Avenue, and being the northernmost point of Parcel C as shown on a "Recombination Survey for Norfolk Southern Corporation," recorded in Plat Book 174 at Page 179 in the Buncombe County Registry; thence proceeding in a general southwesterly direction the following courses and distances:

1. S 25° 51' 52" W 35.21 feet; 2. S 29° 39' 52" W 41.37 feet; 3. S 30° 11' 14" W 8.10 feet; 4. S 36° 05' 14" W 50.27 feet; 5. S 41° 21' 14" W 50.42 feet; 6. S 47° 32' 14" W 51.95 feet; 7. S 51° 17' 14" W 82.20 feet; 8. S 46° 43' 14" W 119.62 feet

to a point in the Northern line of Norfolk Southern Railway Company as described in a deed recorded in Deed Book 314, Page 88 (Parcel B) in the Buncombe County Registry; thence in a westerly direction along a curve with radius of 888.30', arc length 86.53feet, chord bearing S 83° 21' 47" W, chord length of 86.50 feet to a point in the Southeastern line of Asheville Area Habitat for Humanity as described in a deed recorded in Deed Book 2589 Page 360, Buncombe County Registry, marked by a magnetic nail; thence in a general Northeasterly direction the following courses and distances:

1. N 50° 31' 26" E 96.51 feet; 2. N 48° 41' 26" E 97.96 feet: 3. N 49° 01'E 87.97 feet; 4. N 48° 09' E 14.23 feet; 5. N 46°04' E 20.02 feet; 6. N 43° 38' E 20.09 feet; 7. N 41° 12' E 20.16 feet; 8. N 38°04' E 20.29 feet; 9. N 36° 16' E 20.47 feet; 10. N 33° 45'E 20.68 feet; 11. N 31° 13' E 20.95 feet; 12. N 28° 39' E 21.27 feet; 13. N 24° 39' E 43.43 feet

to a point in the southern right of way line of Meadow Road; thence N 85°04' 11" E 74.37 feet to the point and place of Beginning, being the same area designated as "Now or Formerly Commerce Street" on the above-referenced recombination survey for Norfolk Southern Railway.

2. A certified copy of this resolution and order shall be filled in the office of the Buncombe County Register of Deeds.

Read, approved and adopted this 23rd day of April, 2019.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

402

RESOLUTION NO. 19-103

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS ROSE STREET

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unopened right of way known as Rose Street; and

WHEREAS, City Council on the 12th day of March, 2019, adopted a Resolution of Intent to permanently close an unopened right of way known as Rose St., and ordering a public hearing on the question of the closing for the 23rd day of April, 2019, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right of way known as Rose St.; and

WHEREAS, the City Council held a public hearing on the closure on April 23, 2019, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way known as Rose St, described as follows:

   DESCRIPTION OF PORTION OF UNOPENED RIGHT OF WAY OF ROSE STREET BEGINNING at a point in the Western right of way line of Hansel Avenue, the same being

the Northeast corner of the property described in a deed recorded in Deed Book 4242 at Page 815 in the Buncombe County Registry (herein "Lot A"), being also the Northeast comer of Lot 5 of the Plat entitled "Subdivision of Block "E" of the Estate of E. Clayton" recorded in Plat Book 2 at Page 78 in the Buncombe County Registry (herein "Clayton Plat'"); thence S 77 deg. 30' W 95.50 feet to the northwest corner of Lot A; thence S 77 deg. 32' 30" W 200.03 feet to the northwest corner or Lot 1 of the Clayton Plat; thence across the right of way of Rose Street N 12 deg. 12' W 30 feet to the Southwest corner of Lot 8 on the Clayton Plat; thence along and with the southern line of Lots 6, 7, 8 and 9 of the Clayton Plat 300 feet, more or less, to a point in the Western right of way line of Hansel Avenue, the same being the southeast corner of Lot 9 of the Clayton Plat, thence S 12 deg. 12' E 30 feet to the point and place of BEGINNING, being the entire extent of the Western end of Rose Street as shown on the Clayton Plat.

2. A certified copy of this resolution and order shall be filled in the office of the Buncombe County Register of Deeds.

Read, approved and adopted this 23rd day of April, 2019.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

404

RESOLUTION NO. 19-104

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TRANSPORTATION PLANNING AND DESIGN TO CONDUCT THE PEDESTRIAN, GREENWAY AND ADA TRANSITION MASTER PLANS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, statements of qualifications were solicited for the planning project; and

WHEREAS, the Transportation Planning and Design-led team was preferred by a selection committee comprised of representatives from stakeholder boards and committees; and

WHEREAS, a scope of work will be approved by staff that will clarify the necessary work that will not exceed $275,000; and

WHEREAS, the final product will assist in the Council goal of transportation and accessibility and to create a well-planned and livable community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Transportation Planning and Design for an amount not to exceed $275,000.

Read, approved and adopted this 14th day of May, 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-105

RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE PERMITTING FEES FOR WORK RELATING TO DAMAGE CAUSED BY THE FLOODING EVENT OF APRIL 19 AND 20, 2019

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 160A-417 to issue building permits within the City's jurisdiction; and

WHEREAS, on April 19-20, 2019, the City of Asheville saw flooding of the French Broad and Swannanoa Rivers, as well as many of the tributaries to these rivers within the City's jurisdiction; and

WHEREAS, the flooding event of April 19-20, 2019 caused damage to structures within the City's jurisdiction; and

WHEREAS, the City wishes to ease the burden on those property owners whose properties were damaged by the flooding event of April 19-20, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to waive construction and repair permitting fees for work needed to repair damage caused to structures within the City where it is clear that such damage was caused by the rain and flooding events April 19 and 20, 2019.

Read, approved and adopted this the 14th day of May, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

406

RESOLUTION NO. 19-106

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS/ SUPPLEMENTAL AGREEMENTS WITH MCGILL ASSOCIATES, P.A. FOR PROFESSIONAL ENGINEERING SERVICES PURSUANT TO A MASTER AGREEMENT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with McGill Associates, P.A.; and

WHEREAS, the City shall enter into a no cost master on-call (i.e. Master Services Agreement) contract for an initial term of two years with an option to renew for up to three additional one-year periods; and

WHEREAS, City Council hereby approves the process of entering into a process that recognizes contacts entered into under the Master Agreement as individual supplemental agreement contracts;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an On-Call Professional Services Master Agreement with McGill Associates, P.A. for design and engineering professional services. The City Manager is further authorized to enter into subsequent, individual supplemental contracts under the On-Call Professional Services Master Agreement on behalf of the City of Asheville during its initial term for professional services with the option to renew for up to three additional one-year periods contingent upon approval by Council for each fiscal year.

Read, approved and adopted this the 14th day of May, 2019.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-107

RESOLUTION AMENDING THE CONTRACT WITH GREEN BUILT ALLIANCE TO SUPPORT THE BLUE HORIZONS PROJECT COORDINATOR FOR AN ADDITIONAL TWO YEARS, WITH EXPANDED SCOPE AND AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT

WHEREAS, pursuant to N.C.G.S. sec. 160A-17, the City of Asheville has authority to enter into continuing contracts; and

WHEREAS, on January 9, 2018, Asheville City County adopted Resolution 18-5 to authorize the City Manager to enter into a contract with the Green Built Alliance for $25,000 to support the Blue Horizons project coordinator with an option to renew for an additional two years; and

WHEREAS, this contract needs to be amended to expand the scope of work and to clarify the total contract amount the City Manager is authorized to execute; and

WHEREAS, making an annual investment in the Blue Horizon's project coordinator administered through the Green Built Alliance will promote efficiency programs provided by the City of Asheville, Buncombe County and Duke Energy Progress; and

WHEREAS, the first year of the Blue Horizons Project resulted in increased enrollment in Duke Energy Progress energy efficiency and demand side management programs which supports expanding the scope of work and renewing the contract; and

WHEREAS, the FY19 budget includes the necessary funds for the second year of this contract and this contract amendment also ensures that funds for a third year will be considered in the FY20 budget planning process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The contract with Green Built Alliance to support the Blue Horizons Project Coordinator is hereby amended to extend it for an additional two years and to expand the scope of work. Additionally, the City Manager is hereby authorized to execute this contract amendment in a total amount not to exceed $100,000.

Read, approved and adopted this the 14th day of May, 2019.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

408

RESOLUTION NO. 19- 108

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BLANCHARD, MILLER, LEWIS AND ISLEY, P.A. FOR GOVERNMENT RELATION SERVICES

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S §160A-20.1 to enter into contracts with private entities to carry out any public function which is authorized to engage in by law; and

WHEREAS, the City requires legislative representation and advocacy for 2019, 2020, and 2021 Sessions of the North Carolina General Assembly on matters which are of significant interest to the City; and

WHEREAS, this contract was originally signed on April 3, 2018, and extended for two months on April 17, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, be and is hereby, authorized to enter into an agreement with Blanchard, Miller, Lewis and Isley, P.A. for the provision of the legislative services from April 1, 2019 to March 31, 2021, which includes services for 2019, 2020, and 2021 Session of the North Carolina General Assembly, in an amount not to exceed $144,000, plus expenses, subject to the approval of the City Attorney.

Read, approved and adopted this the 14th day of May, 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-109

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE SELECTED ENGINEERING DESIGN FIRM, MATTERN & CRAIG, INC., FOR THE BOND SIDEWALK BUNDLE B DESIGN CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, A request for qualifications were solicited for the project known as, Bond Sidewalk Bundle B Design, City of Asheville Project # X1807 Contract #91800177; and

WHEREAS,Mattern & Craig Inc, of Asheville, NC was the best qualified consulting firm responding to the RFQ; and

WHEREAS, the contract generally consists of design services, surveying,construction documents, permitting, right of way and easement acquisition, environmental documents and community outreach; and

WHEREAS, the City entered into a contract in the amount of $573.725.00 for design services, and needs to expand the scope of services to include right of way/easement acquisition and environmental documents meeting Federal guidelines, as well as sanitary sewer design services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment with Mattern & Craig Inc, in the amount of $106,650, for a total contract amount of $680,375.

Read, approved and adopted this 14th day of May, 2019.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

410

RESOLUTION NO. 19-110

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS/SUPPLEMENTAL AGREEMENTS WITH McCRACKEN & LOPEZ P.A. FOR PROFESSIONAL ENGINEERING SERVICES PURSUANT TO A MASTER AGREEMENT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with McCracken & Lopez, P.A.; and

WHEREAS, the City shall enter into a no cost master on-call (i.e. Master Services Agreement) contract for an initial term of two years with an option to renew for up to three additional one-year periods; and

WHEREAS, City Council hereby approves the process of entering into subsequent, individual supplemental agreement contracts under the Master Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an On-Call Professional Services Master Agreement with McCracken & Lopez, P.A. for design and engineering professional services. The City Manager is further authorized to enter into subsequent, individual supplemental contracts under the On-Call Professional Services Master Agreement on behalf of the City of Asheville during its initial term for professional services with the option to renew for up to three additional one-year periods contingent upon approval by Council for each fiscal year.

Read, approved and adopted this the 14th day of May, 2019.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-111

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AND RENEW A CONTRACT WITH WASTE PRO OF NORTH CAROLINA, INC., TO PROVIDE BULK REFUSE AND RECYCLING COLLECTION FOR CITY FACILITIES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on May 25th, 2018, the City of Asheville issued an RFP for Bulk Refuse and Recycling Collection for City Facilities; and

WHEREAS, the City of Asheville entered into a one-year contract with four optional one year renewal periods with Waste Pro of NC, Inc, on July 1, 2018, for an amount not-to-exceed $89,999; and

WHEREAS, the contract between the City and Waste Pro of NC, Inc., authorizes amendments, supplements, or modifications to the contract in order to add to the scope of services under the contract; and

WHEREAS, the contract aligns with City Council 2036 Vision of a Clean and Healthy Environment; and

WHEREAS, the amendment to this contract includes, but is not limited to: maximum contract amount; service rate increase; number of receptacles and frequency of services provided; and calculation method of annual rate increase;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend and renew a contract with Waste Pro of North Carolina, Inc., to provide bulk refuse and recycling collection for City facilities for an amount not to exceed $360,000 over the next four (4) one-year optional renewal periods, and further authorized to execute any contract amendments up to 6% above the contract price for each annual renewal period.

Read, approved and adopted this the 14th day of May, 2019.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

412

RESOLUTION NO. 19- 112

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF MAY 17, JUNE 21, JULY 19, AUGUST 16, SEPTEMBER 20, 2019, FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Downtown After 5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Downtown After 5 event area, as set forth in Exhibit A, attached.

   The Downtown After 5 event area is within the boundaries of Lexington Avenue between the intersections of Hiawassee and the I-240 overpass.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Downtown After 5 on Fridays, May 17, June 21, July 19, August 16 and September 20, 2019, from 5:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Downtown After 5 event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Downtown After 5 event area,

or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Downtown After 5, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of May 2019.

Magdalen Bullock
City Clerk

Esther Manheimer
Mayor

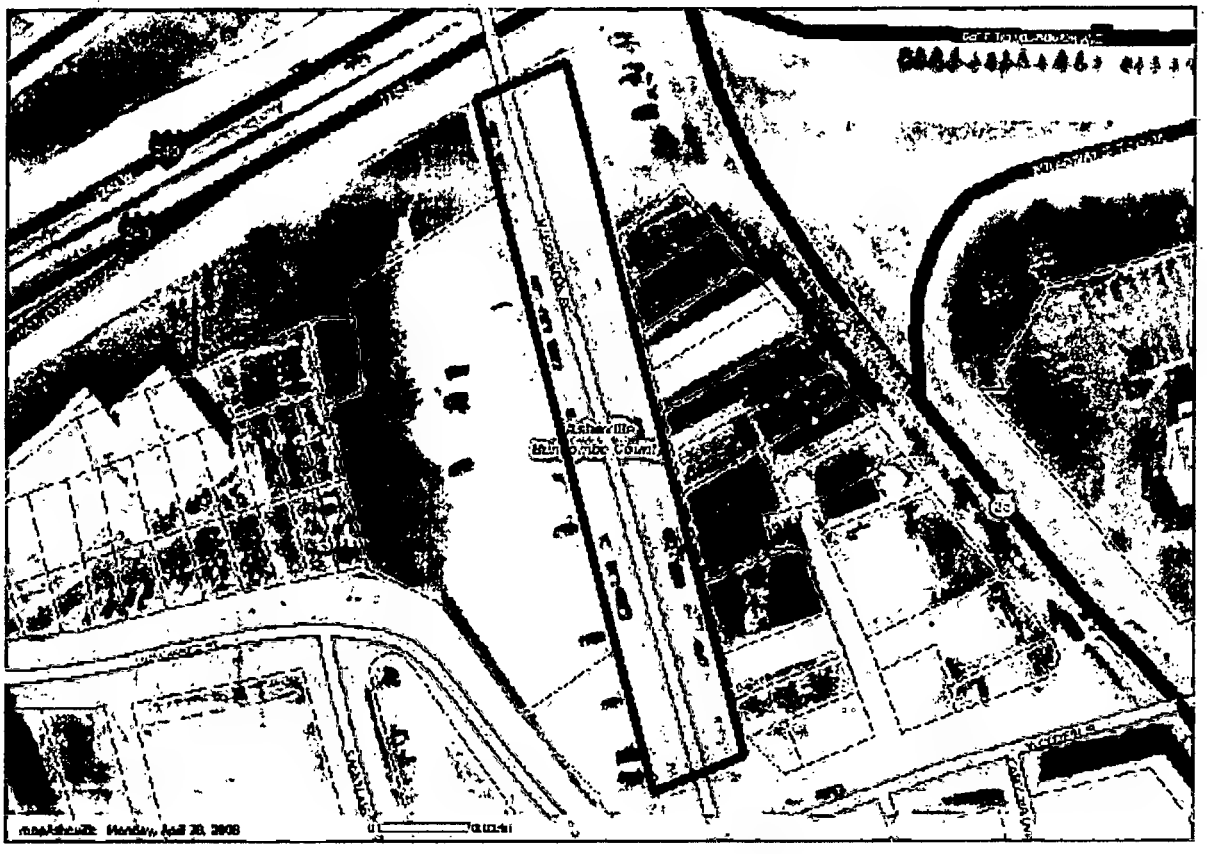
Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

414.

EXHIBIT A



Lexington Avenue (100 Block)

Alcohol Area

RESOLUTION NO. 19- 113

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HAUTE ROUTE ASHEVILLE ON THE DATES OF MAY 17 AND MAY 18, 2019, FROM 11:00 AM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival and Section 11-20 of the Asheville City Code permits the sale of malt beverages and unfortified wine on Sunday mornings beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Haute Route Asheville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Haute Route Asheville event area, as set forth in Exhibit A, attached.

   The Haute Route Asheville event area is within the boundaries of the Roger McGuire Green at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Haute Route Asheville on Saturday, May 17, and Sunday, May 18, 2019 from 11:00 a.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Haute Route Asheville event area. No other possession of

open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Haute Route Asheville Games event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Haute Route Asheville, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of May 2019.

Magdalen Burleson
City Clerk

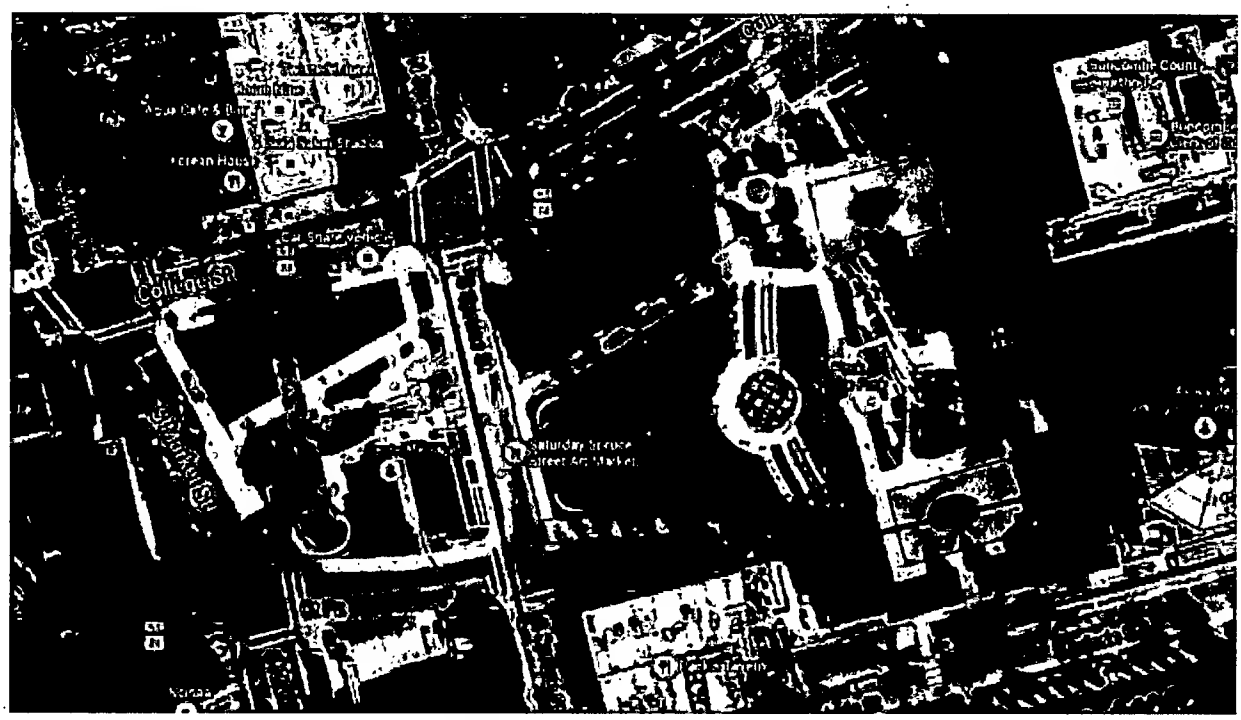
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Alcohol Area

418

RESOLUTION NO. 19- 114

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BEER CITY FESTIVAL ON THE DATE OF JUNE 1, 2019, FROM 12:00 PM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Beer City Festival event area, as set forth in Exhibit A, attached.

   The Beer City Festival event area is within the boundaries of the Roger McGuire Green at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Beer City Festival on Saturday, June 1, 2019, from 12:00 p.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Beer City Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Beer City Festival event area,

or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Beer City Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of May 2019.

Magdalen Bullion
City Clerk

Mayor

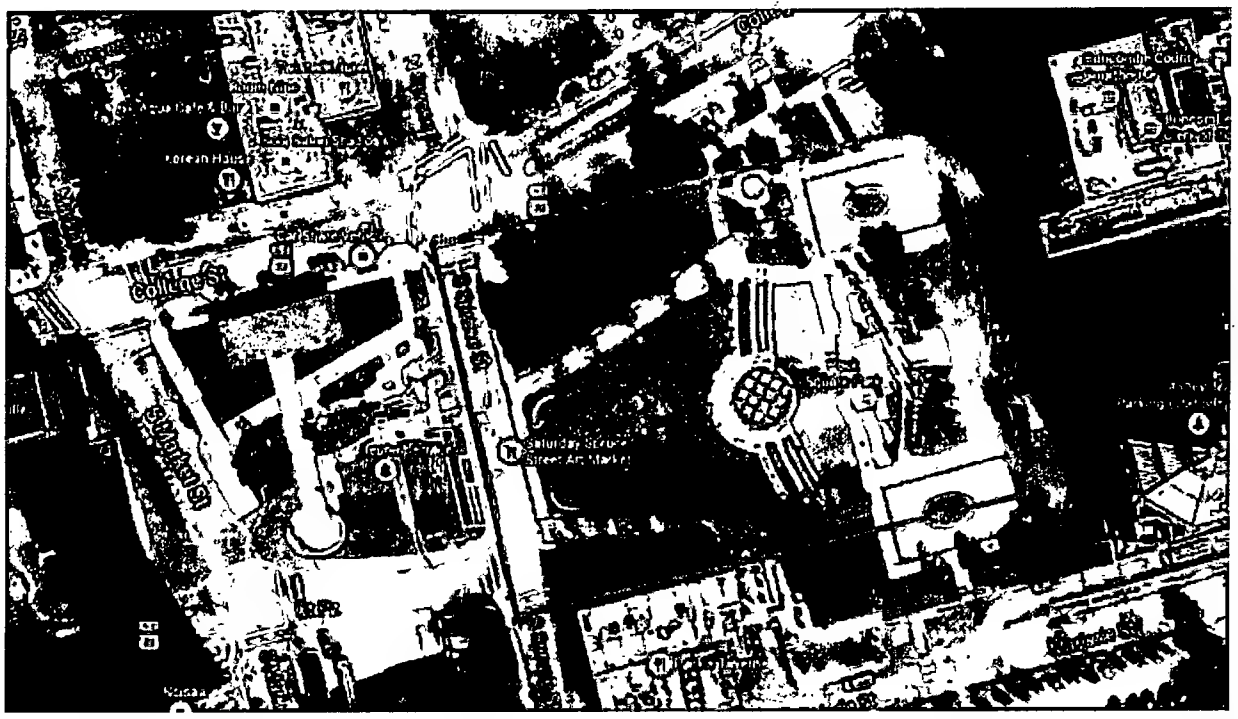
Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

420

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19- 115

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HALF MARATHON ON THE DATE OF JUNE 8, 2019, FROM 7:00 AM – 12:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Half Marathon.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Asheville Half Marathon event area, as set forth in Exhibit A, attached.

   The Asheville Half Marathon event area is within the boundaries of the Roger McGuire Green at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Asheville Half Marathon on Saturday, June 8, 2019, from 7:00 a.m. – 12:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Asheville Half Marathon area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Asheville Half Marathon event area, or

elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Asheville Half Marathon, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of May 2019.

Magdalen Bullison
City Clerk

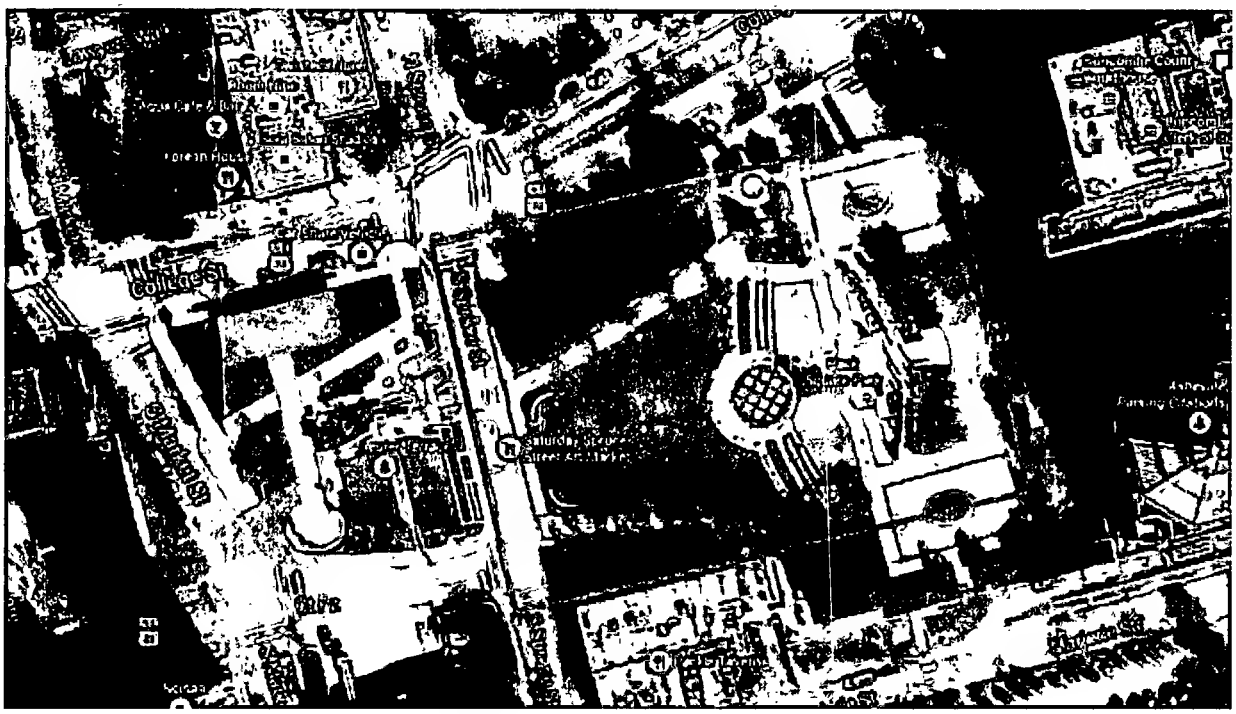
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

EXHIBIT A



424

RESOLUTION NO. 19- 116

RESOLUTION GRANTING PERMISSION THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT XPAND FEST ON THE DATE OF JUNE 8, 2019, FROM 12:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Xpand Fest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Xpand Fest event area, as set forth in Exhibit A, attached.

   The Xpand Fest event area is within the boundaries of Coxe Avenue between the intersections of Banks Avenue and Millard Avenue, and within the boundaries of Buxton Avenue between the intersections of Collier Avenue and Coxe Avenue.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Xpand Fest on Saturday, June 8, 2019, from 12:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Xpand Fest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Xpand Fest event area, or elsewhere in

the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Xpand Fest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of May 2019.

Magdalen Burleson
City Clerk

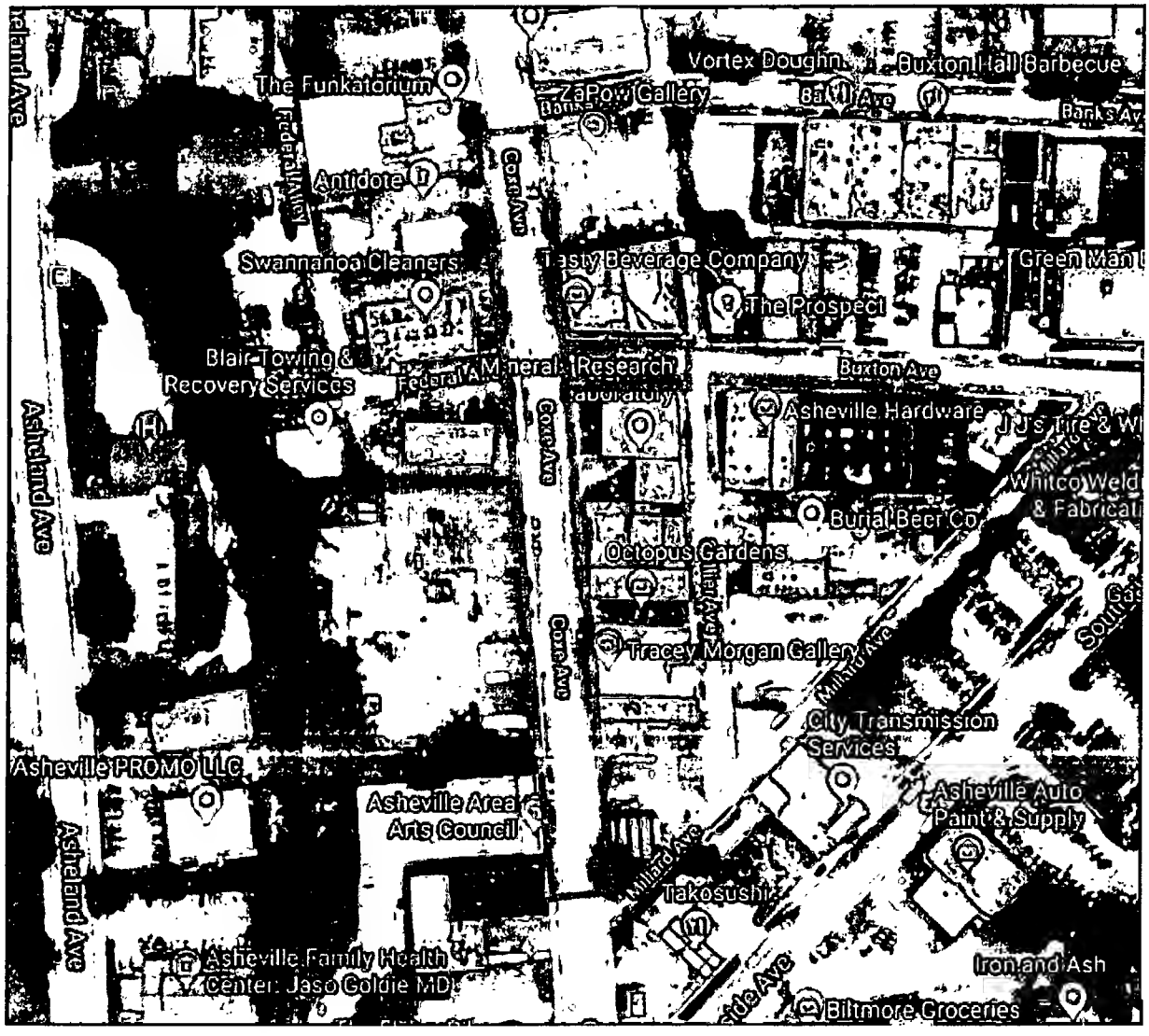
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19- 117

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOLA ASHEVILLE THE DATE OF JUNE 22, 2019, FROM 12:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Hola Asheville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Hola Asheville event area, as set forth in Exhibit A, attached.

   The Hola Asheville event area is within the boundaries of the Roger McGuire Green at Pack Square Park, and the Court Plaza Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Hola Asheville on Saturday, June 22, 2019, from 12:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Hola Asheville event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Hola Asheville event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Hola Asheville, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of May 2019.

Magdalen Bullion
City Clerk

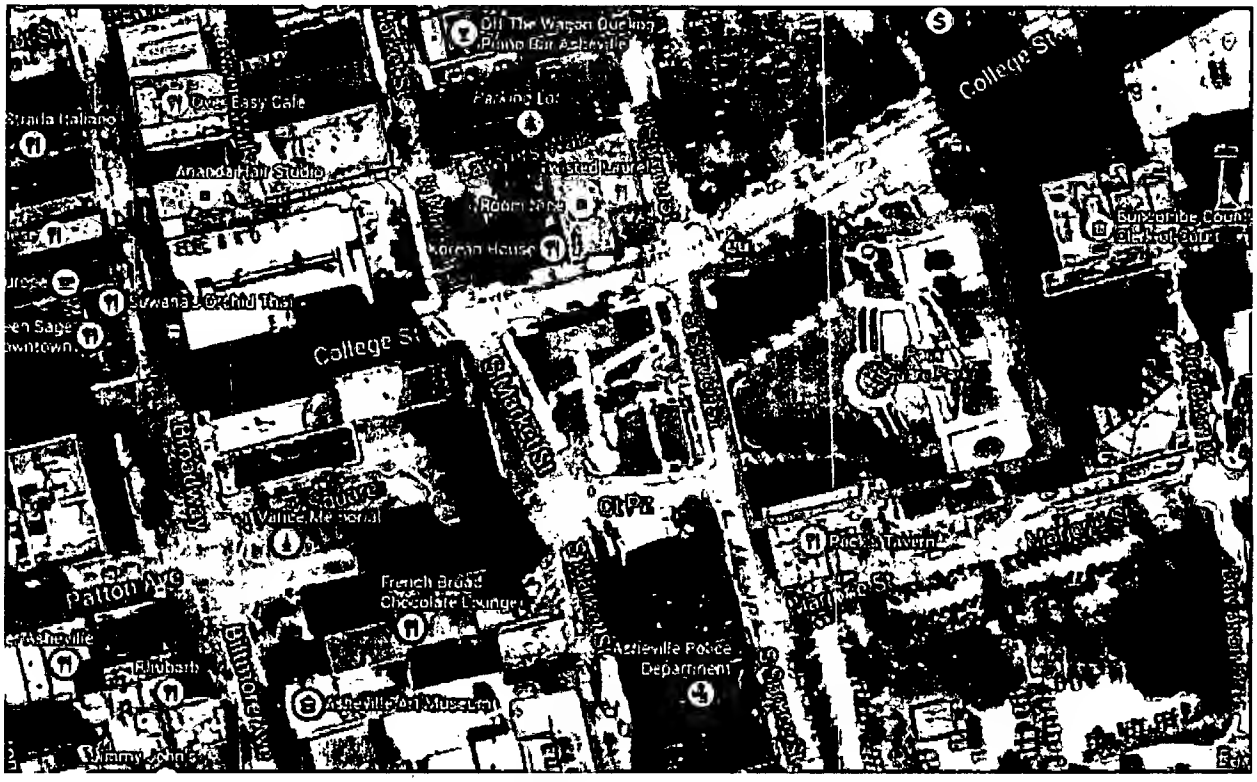
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

EXHIBIT A



Alcohol Area

430

RESOLUTION NO. 19- 118

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT CIDERFEST NC ON THE DATE OF OCTOBER 12, 2019, FROM 12:00 PM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at CiderFest NC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the CiderFest NC event area, as set forth in Exhibit A, attached.

   The CiderFest NC event area is within the boundaries of the Velodrome at Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for CiderFest NC on Saturday, October 12, 2019 from 12:00 p.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the CiderFest NC event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the CiderFest NC event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of CiderFest NC, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of May 2019.

Magdalen Bowleson
City Clerk

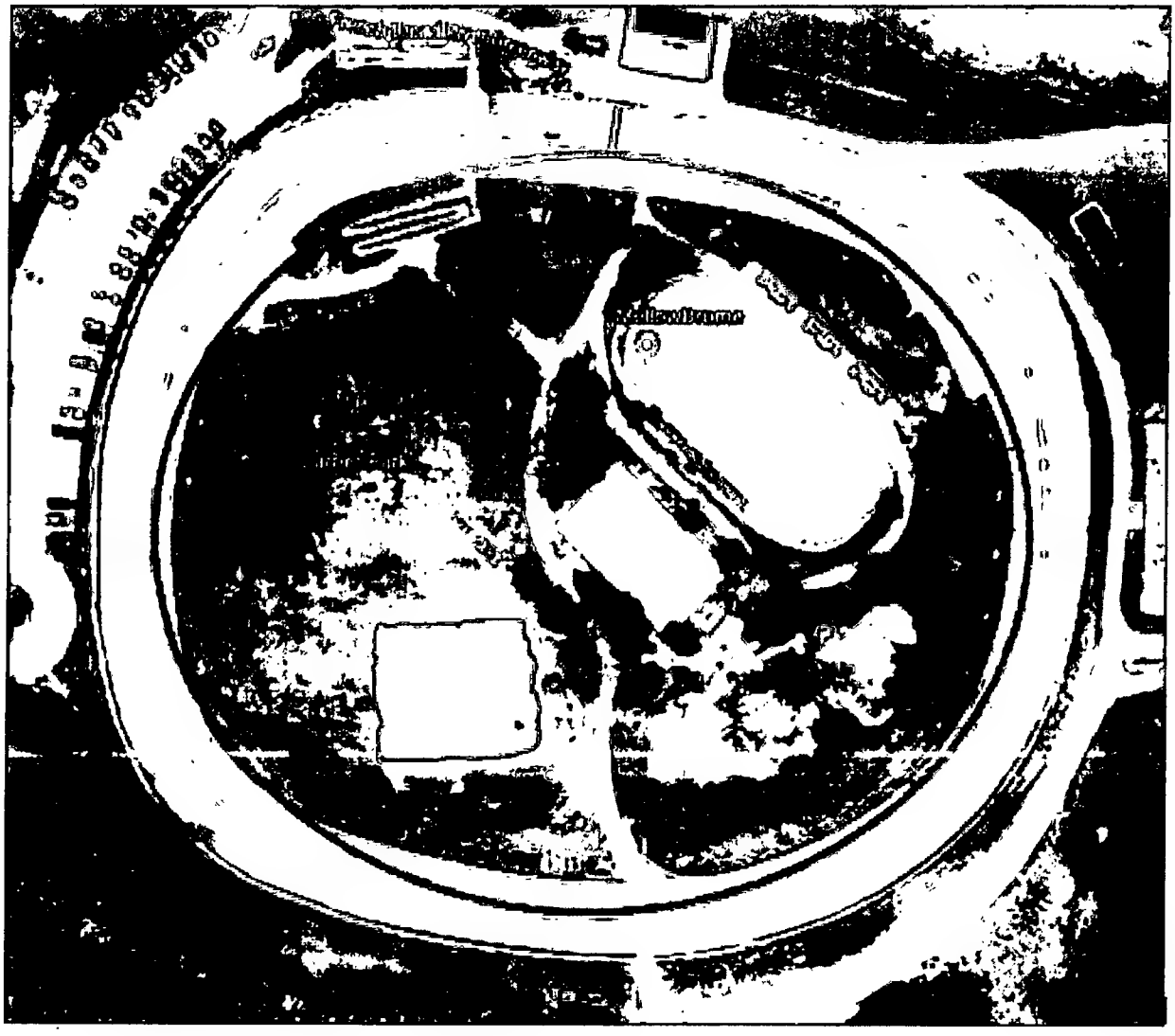
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19-119

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, Gene Bell (representative of the Housing Authority) resigned, thus leaving an expired term until June 30, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Robert Hooper, 54 Laurelwood Circle West, Hendersonville, N.C., be and he is hereby appointed as a member of the Citizens-Police Advisory Committee (representative of the Housing Authority) to serve the unexpired term of Mr. Bell, term to expire June 30, 2021, or until his successor has been appointed.

Read, approved and adopted this 14th day of May, 2019.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

434

RESOLUTION NO. 19-120

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, Donna Ball has resigned from the Homeless Initiative Advisory Committee, thus leaving an expired term until November 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Parker Smith, 69 Elizabeth Street, Asheville, N.C., be and she is hereby appointed as a member of the Homeless Initiative Advisory Committee to serve the unexpired term of Ms. Ball, term to expire November 1, 2019, and then a full three-year term until November 1, 2022, or until her successor has been appointed.

Read, approved and adopted this 14th day of May, 2019.

Magdalen Bullion
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-121

RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

WHEREAS, Ashley Cooper has resigned from the Human Relations Commission, thus leaving an expired term until June 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ivan Melchor, 2500 University Heights, Asheville, N.C., be and he is hereby appointed as a member of the Human Relations Commission to serve the unexpired term of Ms. Cooper, term to expire June 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 14th day of May, 2019.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

436

RESOLUTION 19-122

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into an equipment installment financing agreement (the *"Contract"*) with PNC Bank, National Association (the *"Lender"*) in order to pay the capital costs of the acquisition and installation of vehicles and equipment (collectively, the *"Projects"*), and to put a security interest in all or a portion of the Projects in favor of the Lender in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed $4,330,000;

WHEREAS, there has been made available to the City Council in the office of the City's Chief Financial Officer the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing at an interest rates as specified in the Contract and in the bid summary provided to the City Council; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Prior Actions.*** All actions of the City, the City Manager, the Assistant City Manager, the City Attorney, the City Purchasing Director, the Chief Financial Officer, the City Treasurer and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. ***Approval, Authorization and Execution of Contract.*** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The City hereby approves the amount advanced by the Lender to the City pursuant to the Contract in an aggregate principal amount not to exceed $4,330,000, such amount to be repaid by the City to the Lender as provided in the Contract. The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City

Manager, the Assistant City Manager, the City Attorney, the Chief Financial Officer, the City Treasurer and the City Clerk or their respective designees (each a *"Designated Representative"*), individually or collectively, are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Further Actions.*** Each Designated Representative is hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Contract, and the Designated Representatives are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives, individually or collectively, are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and the Contract.

Section 4. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 28th day of May, 2019.

Magdalen Bourleson
City Clerk

Esther E. Marr
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19-123

RESOLUTION AUTHORIZING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AND PURCHASE OPTION AGREEMENTS FOR WHITE LABS LOCATED AT 172 & 174 S. CHARLOTTE STREET IN THE CITY OF ASHEVILLE

WHEREAS, City Council has authority pursuant to N.C.G.S. 158-7.1 to make appropriations for economic development purposes; and

WHEREAS, the City of Asheville has adopted an economic development incentives policy offering incentives to qualifying businesses locating and expanding within the corporate limits; and

WHEREAS, in January 2015, Asheville City Council authorized an economic development incentive agreement with White Labs, Inc. which included a lease and option(s) to purchase City-owned property; and

WHEREAS, White Labs, Inc. has requested an amendment to the economic development incentive agreement that allows for an extension of the Option agreement for 174 S. Charlotte Street for one-year, until June 30, 2020, for an additional option fee of $10,000, and further clarifies that the entity known as 172 S. Charlotte, LLC will hold the real estate and is party to all agreements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Amendments the economic development and option agreements with White Labs, Inc. for the purposes stated above are hereby approved and the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this the 28th day of May, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-124

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP FOR AUDITING CITY ACCOUNTS FOR FISCAL YEAR 2018-2019

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, RSM US LLP has submitted an engagement letter and contract pursuant to *Generally Accepted Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for the fiscal year 2018-2019; and

WHEREAS, the City Council desires that the City's fiscal year 2018-2019 audit service contract be awarded to the firm RSM US LLP; and

WHEREAS, funds are included in the Internal Audit division's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with RSM US LLP in the amount of $95,760 for auditing services for fiscal year 2018-2019.

Read, approved, and adopted this 28th day of May, 2019.

Magdalen Bourleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

440

RESOLUTION NO.19- 125

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WOOD GROUP, USA, INC FOR PROFESSIONAL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with Amec Foster Wheeler; and

WHEREAS, the City wishes to enter into an on-call contract to renew a one year term with an option to renew for up to one additional one-year period; and

WHEREAS, for the renewal term, the total expenditure of said contract is not to exceed $250,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Wood Group, USA, Inc. (formerly known as Amec Foster Wheeler) not to exceed $250,000 during its renewal term for professional services and is further authorized to execute any change orders to said contract or documents which may arise during performance of the contract up to the budgeted amount.

Read, approved and adopted this the 28th day of May, 2019.

Magdalen Bullock
City Clerk

Edwin G. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-126

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH S&ME, INC. FOR PROFESSIONAL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with S&ME,Inc.; and

WHEREAS, the City wishes to enter into an on-call contract to renew a one year term with an option to renew for up to one additional one-year period; and

WHEREAS, for the renewal term, the total expenditure of said contract is not to exceed $250,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with S&ME, Inc. not to exceed $250,000 during its renewal term for professional services and is further authorized to execute any change orders to said contract or documents which may arise during performance of the contract up to the budgeted amount.

Read, approved and adopted this the 28th day of May, 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO.19- 127

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH WES COLE LAND SURVEYING PA FOR PROFESSIONAL SURVEYING SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, the proposed professional services were solicited via a Request for Qualifications (RFQ) process followed by negotiations with Wes Cole Land Surveying; and

WHEREAS, the City wishes to enter into an on-call contract to renew a one year term with an option to renew for up to one additional one-year period; and

WHEREAS, for the renewal term, the total expenditure of said contract is not to exceed $100,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract on behalf of the City of Asheville with Wes Cole Land Surveying not to exceed $100,000 during its renewal term for professional services and is further authorized to execute any change orders to said contract or documents which may arise during performance of the contract up to the budgeted amount.

Read, approved and adopted this the 28th day of May, 2019.

Magdalen Bulleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19-128

RESOLUTION AMENDING THE MEMBERSHIP OF THE CITIZENS/POLICE ADVISORY COMMITTEE

WHEREAS, the non-voting members of the Citizens/Police Advisory Committee (CPAC) currently includes the Chief of Police and APD Officer - Sergeant in Community Relations, and

WHEREAS, the Chief of Police may at times need to delegate important projects to other members of the leadership team, and

WHEREAS, the divisions and personnel within the Asheville Police Department change as needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The non-voting seats of the Citizens/Police Advisory Committee reserved for the Chief of Police and an APD Officer - Sergeant in Community Relations are hereby replaced by one non-voting seat to be filled by the Chief of Police or his/her designee and another member of the APD designated by the Chief of Police.

Read, approved and adopted this the 28th day of May, 2019.

Magdalen Bowleson
City Clerk

Edwin G. Marb
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-129

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH IBI GROUP, PC TO PERFORM A FACILITIES STUDY FOR THE CITY'S OPERATIONS & MAINTENANCE CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64, statements of qualification were solicited for the project known as the Facilities Study for Operations & Maintenance Centers, City of Asheville Project # B1804; and

WHEREAS, IBI Group, P.C. was judged the best qualified firm for the Project; and

WHEREAS, the project involves a determination of the space requirements for the existing O&M centers, identify future growth needs, analyze the operational and service delivery impacts of relocation, and provide the tools needed to evaluate new sites, along with the funding requirements and budgetary cost estimates for a new location(s); and

WHEREAS, the total negotiated fee for this contract is $278,000.00; and

WHEREAS, the funding for the project is allocated within the Affordable Housing Capital Improvement Fund within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with IBI Group, PC for $278,000 to perform a facilities study for the City's Operations & Maintenance Centers.

Read, approved and adopted this the 28th day of May, 2019.

Magdalen Bowlson
City Clerk

Edwin G. Marcus
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-130

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE WOOTEN COMPANY TO ADD THE MODERNIZATION OF CITY HALL ELEVATOR #2

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, A request for qualifications were solicited for the project known as City of Asheville Elevator construction, City of Asheville Project # 91600198; and

WHEREAS, The Wooten Company of Raleigh, NC proposes an amendment to the contract, in the amount of $ 18,700.00, and

WHEREAS, the project involves the restoration and modernizing of three historic elevators in the "Asheville City Building"; and

WHEREAS, the original contract was to design the modernization of Elevators # 1 and # 3 only; and

WHEREAS, the City requested The Wooten Company for the cost to design the modernization of the remaining Elevator # 2;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the professional services contract with The Wooten Company to add the modernization of City Hall Elevator # 2 (center elevator) up to an added cost of $29,820 for design fee and contingency, bringing the total project budget to $122,320.

Read, approved and adopted this the 28th day of May, 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-131

RESOLUTION ACCEPTING THE FLOOD MITIGATION ACTIONS REPORT WHICH IS PART OF THE REPETITIVE LOSS AREA ANALYSIS, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT FOR THE COMMUNITY RATING SYSTEM PROGRAM

WHEREAS, Buncombe County has performed a comprehensive review and evaluation of each section of the previously approved All-Hazard Mitigation Plan and has updated the said plan as required and according to guidance issued by FEMA and the North Carolina Division of Emergency Management, and

WHEREAS, the participation in the Community Rating System program, which Asheville is currently a member requires the City to provide a Repetitive Loss Area Analysis and to report on those Flood Mitigation Action Items on an annual basis, and

WHEREAS, the City wishes to continue to promote public safety and welfare through the continued participation in the Community Rating System Program, and

WHEREAS, City Staff has provided Council with the annual Flood Mitigation Action Items report as it relates to the Repetitive Loss Area Analysis;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville does hereby receive and accept the Flood Mitigation Actions Report prepared by City Staff for the annual Repetitive Loss Area Analysis Flood Mitigation Action Items, attached hereto as Exhibit A, and authorizes its submission to the Insurance Services Office and the Federal Emergency Management Agency as part of the annual Community Rating System report which is to be signed by the City Manager.

Read, approved and adopted this the 28th day of May, 2019.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

FLOOD MITIGATION ACTIONS
REPORT TO COUNCIL
2019

As part of an ongoing effort to reduce flood hazards and damage costs associated with repetitive flood losses, the City hired the consulting firm of Brown and Caldwell to develop a Repetitive Loss Area Analysis (RLAA). As part of this RLAA, the consulting team has developed a set of flood mitigation action items for the City to focus on annually. Each action item listed below includes a description of the action and what actions have been taken over the past year.

Action Item 1

The City will continue its flood hazard mitigation public outreach efforts by communicating with property owners in each of the repetitive loss areas to make certain they understand the risks associated with flooding, and encourage owners to consider flood protection measures outlined in this analysis and related publications.

Actions:

The City has extensive flood related information available on the City's Public Works Department's Stormwater Division's website: (http://www.ashevillenc.gov/departments/stormwater/flood_info.htm). This website has links to interactive tools to research properties within the special flood hazard area along with the Biltmore Village Emergency Response Plan which was developed in partnership with the US Army Corps of Engineers. Located on the website is information related to what to do before floods, during a flood and after flooding. During the April 2019 flood event, the Public Works Department proactively cleaned storm drains in Biltmore Village and other known areas subject to flooding. The City utilized social media and other communication outlets to update citizens on the status of road closures, latest forecast, and passed along key information from the North Carolina Emergency Management Department.

As in the past, city staff sent out letters to each property owner located within the Repetitive Loss Areas with information related to flood protection and actions the property owners could take to help minimize damage from flooding.

As development takes place within the Repetitive Loss Area (RLA), the City's Development Services Staff works with property owners and engineers to inform them of the protection measures required for their development and guides them through the development process. City ordinances require the developer to take actions that are above minimum FEMA requirements to help provide additional protection from flood damage in flood prone areas.

City staff often meets with property owners and developers who have questions about

their property and how the flood zones impact current and future plans for the property.

City Staff is available to meet with citizens who have flooding questions. Staff will continue to be proactive with providing the customer services citizens deserve.

The Stormwater team is currently in the design phase of a project located in the Edwin/Celia/Canterbury area of the city. This area has been experiencing localized flooding which has overtopped Edwin Place periodically over the past several years. City staff has had multiple public meetings to discuss the details of this project.

The Stormwater team is also in the final stages of construction on the Morris Street Stormwater Improvement project, this includes stormwater conveyance and also stormwater quality and quantity devices located within West Asheville Park.

Action Item 2

The City will identify any structures within each of the RLAs that are not permitted for occupancy and proceed with standard enforcement actions to bring the structures into compliance or have them removed.

Actions:

The City's Development Services Department continues to work to identify such properties and make notifications to these property owners. As these properties that are not permitted for occupancy arise, staff will take action to notify the property owners of the non-compliance issues and provide them with the necessary requirements to meet current standards. City staff is available to meet with citizens to discuss issues concerning these properties and discuss what options are available.

Action Item 3

The City will consider the feasibility of a flood warning system in one or more of the RLAs to assist in advance notice to property owners of an impending flood. Given the fact that most of the structures in these areas will require some form of flood protection preparation prior to an event, a flood warning system may be a valuable asset.

Actions:

The City's Public Works Department, partnering with the US Army Corps of Engineers and the NC Division of Water Resources, is continuing the flood mitigation project within the Swannanoa River basin. The feasibility report is complete, City Staff have entered into a Project Partnership Agreement (PPA) with the Corps for design and construction

of the recommended project from the Feasibility Study. The project that is recommended from the feasibility report is the removal of the floodplain fill both upstream and downstream of the Biltmore Avenue Bridge within the Biltmore Village area of the City. The team is in the design phase of this project currently working with the utility companies and NCDOT in the project area.

The Public Works Department, Development Services Department and the Asheville Fire Department is utilizing the FIMAN website to assist in advance warnings for flooding. The City team utilizes the projections and can send out key messages to property owners and residents within the City as necessary. Specifically DSD, Stormwater staff has created an email group for contacts in areas of recurring flooding, such as Biltmore Village, as well as businesses that have emergency flood action plans on file.

Moving forward

Various city departments' work together to complete the flood mitigation actions tasks necessary for the Community Rating System (CRS); the team includes the Public Works Department, the Development Services Department, the Riverfront Development Office, CAPE and the Asheville Fire Department. Staff is glad to assist the citizens of Asheville, who have flood insurance, to be able to receive a 10 percent reduction in the insurance premium as a result of the City participating in the CRS program. Staff continues to work closely together and with available partners to implement the flood mitigation action items associated with Repetitive Loss Area Analysis report. The flood mitigation efforts are key to the sustainability of special flood hazard areas and the City looks for partnership opportunities in these locations as they become available. Staff looks forward to continuing the partnership with the US Army Corps of Engineers and the North Carolina Division of Water Resources on flood mitigation efforts. The Development Services Stormwater team is looking at opportunities to improve the program and our rating. Specifically through working interdepartmentally to improve outreach to the community, mapping, and flood data.

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RESOLUTION NO. 19-132

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH BIO-NOMIC SERVICES, INC. FOR THE WATER TREATMENT PLANT SLUDGE REMOVAL PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department issued a Request for Proposals (RFP) for the Water Treatment Plant Sludge Removal Project; and

WHEREAS, Bio-Nomic Services, Inc. was selected by Water Resources staff for the project based on their qualifications, understanding of project scope, cost, and proposal for land application of the residuals; and

WHEREAS, the City wishes to enter into a three-year general services agreement with Bio-Nomic Services, Inc. for the project; and

WHEREAS, the funding for the agreement is allocated within the Water Resources - Water Production Operating Budget; and

WHEREAS, the contract amount for Year 1 will be for the estimated amount of $257,180 plus a 15% contingency and Years 2-3 will follow the WRD's operating budget estimate of $200,000 annually for this project;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a three-year General Services Agreement with Bio-Nomic Services, Inc. for the Water Treatment Plant Sludge Removal Project for the estimated amount $257,180, and further authorizing the execution of any contract amendments or change orders up to 15% above the estimated amount, which may arise during execution of said project during Year 1, and further authorizing renewal of the agreement for up to an additional two years with each year funded at approximately $200,000 through the department's budget process contingent upon funding.

Read, approved and adopted this 28th day of May, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19-133

RESOLUTION APPROVING HARRAH'S CHEROKEE RESORT, AN ENTERPRISE OF THE EASTERN BAND OF CHEROKEE INDIANS AS THE NAMING RIGHTS PARTNER FOR THE CIVIC CENTER (CURRENTLY THE U.S. CELLULAR CENTER)

WHEREAS, the City's current Civic Center Naming Rights Agreement with U.S. Cellular Inc. expires on December 31, 2019; and

WHEREAS, the City's current naming rights partnership, entered into in November 2011, with the U.S. Cellular Inc. has generated $150,000 per year or a total value of $1,350,000 for the City's enterprise fund and has proven crucial to the City's ability to make major improvements and renovations to the Civic Center; and

WHEREAS, the City has a continued need for funding provided by this type of naming rights partnership in order to make improvements to the Civic Center, including the Thomas Wolfe Auditorium; and

WHEREAS, City Staff issued a "call for interest" from companies interested in entering into a new Naming Right Agreement with the Civic Center on July 24, 2018 in compliance with the City's Naming Rights Policy adopted on March 25, 2014; and

WHEREAS, as a result of the "call for interest", City Staff was in contact with and negotiated with 14 companies and received 2 written naming rights proposals-one extension proposal from U.S. Cellular Inc. and a new proposal from Harrah's Cherokee Resort, an enterprise of the Eastern Band of Cherokee Indians; and

WHEREAS, the Naming Rights Subcommittee, a subcommittee of the Civic Center Commission, set certain goals for a naming rights partner including: willingness to enter into an agreement for not less than 10 years; the ability to contract at a rate of at least $500,000 per year (cash and in-kind services); and to partner with a notable company or individual that is culturally and socially compatible with the local community; and

WHEREAS, it has been determined by the City Council that Harrah's Cherokee Resort, an Enterprise of the Eastern Band of Cherokee Indians best meets the aforementioned goals of the Naming Rights Subcommittee and the interests of the City in that: the naming rights proposal is for a 5 year initial term with a 5 year mutually agreeable extension opportunity; the annual licensing fee rate shall be $500,000 annually for the duration of the term or $5,000,000 for the 10 year period, with an additional $750,000 in the first year for fan experience improvements and video board installation; and reimbursement to the City for all signage, wayfinding, uniform etc. change outs associated with the name change up to $250,000-City to pay anything over this amount;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Harrah's Cherokee Resort, an Enterprise of the Eastern Band of Cherokee Indians is hereby selected and approved as the naming rights partner for the Civic Center and the City Manager is authorized to direct City Staff to take the necessary steps to enter into a Naming Rights License Agreement with Harrah's Cherokee Resort pursuant to NCGS 160A-272 and City policy.

Read, approved and adopted this 28th day of May, 2019.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-134

RESOLUTION NAMING CITY OF ASHEVILLE POLICE HEADQUARTERS IN MEMORY OF FORMER POLICE LIEUTENANT WALTER "WALT" ROBERTSON

WHEREAS, the City of Asheville has a policy for naming City of Asheville public property; and

WHEREAS, former Police Lieutenant Walter Robinson was the first African American Lieutenant in the history of the Asheville Police Department; and

WHEREAS, Mr. Robertson was well respected and admired by the community; and

WHEREAS, Mr. Robertson was a mentor to many and was actively involved in the program "Getting Back to Basics," to assist economically disadvantaged families; and

WHEREAS, the Asheville City Council would like to honor former Police Lieutenant Walter Robinson's dedicated 30 years to law enforcement by naming the City of Asheville Police Headquarters in memory of him;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Police Headquarters located at 100 Court Plaza is named in memory of former Police Lieutenant Walter "Walt" Robertson.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19- 135

RESOLUTION AUTHORIZING THE CITY MANAGER TO DIRECT STAFF TO PREPARE AND SUBMIT APPROPRIATE INFORMATION TO THE N.C.. DEPT. OF TRANSPORTATION TO BE FORWARDED TO THE FEDERAL HIGHWAY ADMINISTRATION FOR CONSIDERATION AND APPROVAL OF ACTIVITY CATEGORY A LAND USE DESIGNATION FOR RIVERSIDE CEMETERY

WHEREAS, the Federal Highway Administration (FHWA) has established procedures for abatement of highway traffic noise and construction noise; and

WHEREAS, the purpose of the procedures for noise studies and noise abatement measures is to help protect the public health and welfare, to supply noise abatement criteria, and to establish requirements for information to be given to local officials for use in planning and design of highways approved pursuant to Title 23, United States Code; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has approved a traffic noise policy; and

WHEREAS, the procedures and policy apply to any highway project that is funded by federal-aid funds in North Carolina; and

WHEREAS, the noise abatement criteria includes seven activity categories with category A being the most restrictive category; and

WHEREAS, activity category A includes lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council adopts a resolution authorizing the City Manager to direct staff to prepare and submit appropriate information to the North Carolina Department of Transportation to be forwarded to the Federal Highway Administration for consideration and approval of Activity Category A land use designation for Riverside Cemetery.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19- 136

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TAG CONTRACTING, INC. FOR THE VICTORIA ROAD - SLOPE STABILIZATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Victoria Road - Slope Stabilization project, City of Asheville Project #S1202-01; and

WHEREAS TAG Construction, Inc of Old Fort, NC was the lowest responsible bidder for the project, and

WHEREAS TAG Construction, Inc. shall provide all labor, materials and equipment for the removal, installation, and replacement of Stormwater Infrastructure; and

WHEREAS, the amount of the bid is $168,387.00 and the monies have been budgeted in the Stormwater Utility Fund; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $168,387.00 plus a 20% contingency $33,677.40 for a total of $202,064.40 with TAG Construction, Inc. for the Victoria Road - Slope Stabilization project, City of Asheville Project # S1202-01.

Read, approved and adopted this the11th day of June 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19-137

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER INCREASING ENGINEERING SERVICES (Change Order #1) FOR GHD CONSULTING SERVICES INC. FOR THE MILLS RIVER ROOF REPLACEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the City's Water Resources Department (WRD) has entered into a contract with GHD Consulting Services Inc. (GHD) for the performance of engineering services relating to the replacement of the roof at WRD's Mills River facility; and

WHEREAS, in the course of GHD's work it has recommended that five air handling units be replaced, and that additional access ladders be added to the facility; and

WHEREAS, the WRD has determined that the replacements and modifications proposed by GHD are reasonable and desirable; and

WHEREAS, the additional funds required under the proposed change order total $96,720; and

WHEREAS, the funding for the agreement is allocated within the Water Resources -Capital Improvement Budget;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order with GHD Consulting Services for the Mills River Roof Replacement for the amount $96,720.

Read, approved and adopted this the11th day of June 2019.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 19-138

RESOLUTION AMENDING THE RULES ON BOARDS AND COMMISSIONS

WHEREAS, City Council adopted Resolution No. 95-150 on September 26, 1995, establishing a new policy governing City Rules on Boards and Commissions; and

WHEREAS, the policy was last amended by Resolution 17-71 on April 25, 2017; and

WHEREAS, certain boards are creations of state law and mandate short terms for board members; and

WHEREAS, boards created by state law often exercise quasi-judicial functions that require expertise and experience and can be difficult to fill; and

WHEREAS, the Council feels it is in the best interest to revise the policy to give City Council the authority to waive the limit of two-full successive terms for boards created by statute after consideration of certain factors;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council's Rules on Boards and Commissions adopted pursuant to Resolution No. 17-71 are hereby repealed and are to be replaced with the revised Rules on Boards and Commissions attached hereto as Exhibit A and incorporated by reference.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

CITY OF ASHEVILLE
RULES ON BOARDS AND COMMISSIONS

Purpose

The City of Asheville provides for continuous citizen input and advice through a wide variety of boards and commissions. Some of these are advisory in nature to the City Council, while others have distinct responsibilities that are established by law. The City Council encourages citizens to participate in their City government by volunteering to serve on these boards and commissions.

Application for Appointment

1) A description of all City boards is contained in "The Talent Scout". This document is available in the City Clerk's Office and is distributed widely in the community and on the City's webpage. A brief form stating the citizen's interest in serving on a board is a part of "The Talent Scout" and can be submitted to the City Clerk.

2) An application and/or resume is required for consideration of an appointment to a City board.

3) In most cases, the City Council will require an interview process prior to appointment.

4) All appointments are made in an open session of the City Council. Discussion and consideration of appointments and interviews are also held in open session.

5) Once an application for an appointment has been filed with the City Clerk, it is placed on a resource list and remains active for a one-year period. At the end of that period of time, you will be contacted by the City Clerk's Office to see if you wish to seek other opportunities to support your participation on our boards.

6) Applicants are strongly urged to attend several meetings of a board prior to applying and/or appointment to a board.

Qualifications

1) Appointees to boards and commissions shall be residents of the City of Asheville, unless otherwise specified or provided for by law, ordinance, or Council action establishing said board or commission, or in the rules or by laws of said board or commission, if approved by Council.

2) In matters where an intergovernmental board has independent governing authority (by law, by agreement, or other enabling authority), and where not prohibited by law, at least one of the City's appointees shall be a current member of the City Council.

   Such an appointment allows Council to be a part of deliberation and decision-making on matters of regional importance that impact the City of Asheville.

3) No citizen shall be eligible to hold concurrently more than two Mayoral or City Council appointments to standing boards or commissions; this limitation shall not apply to ad hoc committees appointed by the Council.

4) Efforts are made to represent the diversity that we have in our community on all boards, and criteria for appointments may be established to achieve appropriate diversity, except that preference shall be given to appointment of residents of a specific area of town for which an ad hoc or advisory committee may be appointed.

5) An oath of office (or affirmation) is required for some boards and commissions. Where applicable, newly appointed board members will take and sign an oath of office or affirmation following their appointment.

   If a board member enters on the duties of his or her office before taking, subscribing and filing the oath of office, he or she may be removed from office.

Terms

1) A term of service on all City boards shall be limited to three years or less, unless otherwise provided by law.

2) A length of service on all boards and commissions shall be limited to two full successive terms (plus any unexpired term to which a member is appointed).

3) City Council may waive the limit of two-full successive terms for boards created by statute after weighing the following factors: 1) term lengths; 2) the level of desired board expertise and experience; 3) matters pending before the board; and 4) the need for board stability and continuity.

4) A member shall serve until the expiration of their term or until such time as a successor is appointed, whichever occurs later, unless otherwise provided by law.

5) The City Council Boards & Commissions Committee may request that a member in good standing be allowed to serve out their term should they become a non-city resident.

6) Reappointment to second or successive terms, when allowed by these rules, is not automatic, and will be based on circumstances to be determined by the City Council in each individual case.

Attendance

1) Appointees to boards and commissions are expected to attend all meetings possible.

2) Any appointee who fails to attend at least 75% of the regularly scheduled meetings of a board or commission within a twelve (12) month period, may be removed.

3) The board chairman or staff liaison shall be responsible for reporting on attendance to the City Clerk upon request.

4) Attendance provisions are not imposed upon Council liaison members but are in effect for Councilmen serving as appointed regular members on a board or commission.

The Board at Work

1) Each board receives its charge from the North Carolina General Statutes or from a City ordinance or resolution establishing the board.

2) The City Council may, from time to time, ask a board to consider specific items not in conflict with existing laws.

3) The chairman, working with the staff liaison, shall post copies of their minutes on the City's website.

4) The City Council may appoint a City Council person as liaison to the board or commission. The role of the liaison shall be to provide information regarding long-range issues and projects under consideration by the Council which would be of interest to that board or commission and assist the board with procedural questions and scope of work. The liaison can address questions regarding Council's strategic goals and feasibility, but shall not play an active role in deliberation of the board or commission. Council liaisons are encouraged to attend meetings, but it is not required.

5) Each board shall make an annual report to the City Council outlining their activities for the past year. The report shall be posted on the City's website by January 30 for the previous calendar year.

6) An orientation session will be conducted for all new appointees by the City staff liaison.

7) From time to time, additional training sessions for board members may be provided through City staff, the Institute of Government and other training groups and organizations. The City Council encourages members to take advantage of these opportunities.

8) No board or commission member who is not present at a meeting shall be allowed to vote by proxy.

9) The board will comply with open meeting laws, including notice of meetings.

10) The board is to provide the City Clerk with their schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice.

11) In order to conduct official business at a regular or special meeting, a quorum of the board must be present. In the absence of a rule, by-law, or statute providing otherwise, a quorum is more than half of the members of the board, not counting vacant seats. If a quorum is not present at any meeting, the chairperson will postpone the meeting until such time as a quorum can be present, provided adequate notice is given pursuant to the open meetings law.

Committee on Boards and Commissions

1) The Mayor may appoint a committee of City Council, with the Vice-Chair as Chairman, to evaluate the on-going need for each board and recommend to the City Council elimination of any for which there is no longer a need. This committee may also consider other items in regard to board structure, appointments or other items at the request of the Mayor and/or the City Council.

Conflict of Interest

1) No member of a board shall participate in the discussion or vote on any item involving their own official conduct or financial interest.

2) It is the responsibility of an individual board member to bring to the attention of the entire board any item for which there may be a conflict of interest.

3) It is up to the entire board to decide if a conflict exists and vote to excuse a member from considering a particular item.

4) Staff and legal assistance is available to all boards and commissions to help the board with decisions in this area.

Resignations and Replacements

1) Any member of a board or commission who desires to resign shall do so in writing to the City Clerk.

2) Unless otherwise provided by law, ordinance or resolution, all appointment by the City Council to a board or commission serve at the pleasure of Council, and may be removed from a board or commission at the discretion of Council.

3) For those boards and commissions whose members may be removed for cause, cause shall include, without limitation, the following: conflict of interest, failure to attend meetings. Removal for cause shall be by Council resolution.

Ad Hoc Committees

1) The City Council may appoint ad hoc committees to make recommendations regarding particular matters of interest within the City.

2) The foregoing rules on boards and commissions shall apply to ad hoc committees except where alternate provisions are made by the Council.

Inclement Weather

1) If the Asheville City Schools are cancelled, then any board/commission meeting scheduled for that day will be cancelled.

2) The chairman of the board/commission will have the discretion of cancelling a meeting in the event of safety concerns when the Asheville City Schools have delayed starts.

3) In the event of inclement weather, the Chairs of the respective City Council Committees (Housing & Community Development Committee; Planning & Economic Development Committee; Public Safety Committee; Finance Committee; and Boards & Commissions Committee) will have the discretion whether or not the meeting is held that day.

RESOLUTION NO. 19-139

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRYANT'S LAND AND DEVELOPMENT SERVICES, INC. FOR THE PROJECT KNOWN AS PHASE 3 BOND RESURFACING

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Phase 3 Bond Resurfacing project, City of Asheville Project #X-1811; and

WHEREAS Bryant's Land and Development Services, Inc of Burnsville, NC was the lowest responsible bidder for the project, and

WHEREAS Bryant's Land and Development Services, Inc. shall provide all labor, materials and equipment for the removal and installation of Asphalt Pavement, Pavement Markings, Traffic Control, Adjustment of Utilities, ADA Ramps, Sidewalk Improvements and Full Depth Pavement Repair; and

WHEREAS, the amount of the agreement is $2,487,426.50 and the monies have been budgeted in the General Obligation Bonds; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $2,487,426.50 plus a 20% contingency $497,485.30 ($2,948,911.80 total) with Bryant's Land and Development Services, Inc. for the Phase 3 Bond Resurfacing project, City of Asheville Project # X-1811.

Read, approved and adopted this the11th day of June 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-140

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE-YEAR MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE WESTERN NORTH CAROLINA NATURE CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A-20.1 of the North Carolina General Statutes to enter into contracts for services with private entities, and

WHEREAS, the Friends of the Western North Carolina Nature Center (Friends) is a 501 (c) (3) nonprofit corporation with a purpose to support the WNC Nature Center with resources to provide an enriching and educational experience for Nature Center visitors, and

WHEREAS, each year the City of Asheville and the Friends enter into a one-year Memorandum of Understanding (MOU) to establish the respective roles of each party for the mutual benefit of creating a first class nature center and visitor experience; and

WHEREAS, as specified in the MOU, the Friends will contribute $150,000 to support the Nature Center;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a one-year Memorandum of Understanding with the Friends of the Western North Carolina Nature Center.

Read, approved and adopted this the 11th day of June, 2018.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-141

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2019-2020 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED ANNUAL ACTION PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal Home Investment Partnerships Program (HOME); and

WHEREAS, each year, the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Annual Action Plan detailing its proposed use of CDBG and HOME funds for the upcoming fiscal year; and

WHEREAS, a public hearing has been held on June 11, 2019, to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the submission to HUD of the Consolidated Annual Action Plan for 2019-20 which is incorporated by reference as if fully set forth herein.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the implementation of the Consolidated Annual Action Plan.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

SUMMARY OF ANNUAL ACTION PLAN FOR 2019-2020

CDBG PROGRAM

Projected Revenue:

Estimated 2019-20 Program Income	$50,000
Estimated 2018-19 Program Income	$39,000
Funds available for reallocation	$0
New CDBG Entitlement Grant	$1,009,176
Total CDBG Funds Available:	**$1,098,176**

Proposed Use of Funds:

2019-2020 PROGRAM	Funding Recommend.
CARING for Children-Trinity Place Runaway and Homeless Youth Shelter	$13,003
Getting Back to the Basics-Project Lighten Up/Project EDUCATE	$14,629
Helpmate, Inc-Emergency Shelter for Domestic Violence Survivors	$21,131
Homeward Bound of Western North Carolina-AHOPE Coordinated Entry	$42,261
OnTrack Financial Education & Counseling-Financial Capabilities Program	$17,880
YWCA of Asheville and Western North Carolina-MotherLove	$7,164
YWCA of Asheville and Western North Carolina-Empowerment Child Care	$9,753
River Front Development Group-African American Heritage Tourism	$14,629
Pisgah Legal Services-Homelessness Prevention Project	$28,776
Homeward Bound-Housing Services	$78,952
Asheville Area Habitat for Humanity-Home Repair-Low Income Homeowners	$93,572
Green Opportunities-GO Green! Creating Career Paths for Buncombe County Residents	$243,678
Mountain BizWorks-Opportunity Asheville	$81,213
Eagle Market Streets Development Corporation-Opportunity Asheville	$81,213
Carolina Small Business Development Fund-Opportunity Asheville	$90,960
The SPARC Foundation-Changing Together	$47,526
City of Asheville-Program Administration	$211,836
RECOMMENDED FUNDING	**$1,098,176**

HOME INVESTMENT PARTNERSHIP PROGRAM

Projected Revenue:

Estimated 2019-2020 Program Income	$19,526
2018-2019 Estimated Program Income	$20,641
Funds available for reallocation	$0
New HOME Entitlement Grant	$1,229,155
Total HOME Funds Available:	**$1,269,322**

Proposed Use of Funds:

2019-2020 PROGRAM	Funding Recommend.
Homeward Bound of Asheville and Western North Carolina-296 Short Michigan PSH Rehabilitation Project	$89,153
Homeward Bound of Asheville and Western North Carolina-HOME-Diversion	$20,000
Housing Assistance Corporation-Seven Pines Apartments	$184,373
WDT Development-The Village at Mills River	$255,240
Workforce Homestead-Falling Waters	$283,595
Workforce Homestead-Jasper	$312,092
City of Asheville-Program Administration	$124,869
RECOMMENDED FUNDING	**$1,269,322**

RESOLUTION NO. 19-142

RESOLUTION AUTHORIZING THE APPROVAL OF THE 2019-2020 STRATEGIC PARTNERSHIP FUND GRANTS

WHEREAS, City Council authorizes the City Manager to sign all contracts and grants, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Fund grants; and

WHEREAS, City Council approves the award of Strategic Partnership Fund Grants, as recommended by the Housing and Community Development Committee on March 29, 2019, as follows:

AGENCY	**AWARD**
Asheville Writers Communities in Schools-Word on the Street	$7,500
Aspire Youth and Family-Kids at Work	$5,000
Council on Aging Buncombe County-Service Coordinator for the City of Asheville	$7,500
Hola Community Arts-Latino Partnership Program	$3,333
Mt Zion Community Development-Project Empower	$5,000
My Daddy Taught Me That-Youth in Public Housing Disparities	$21,667
YMI Cultural Center-Restoring the YMI	$10,838
YWCA-Swim Equity	$8,335
Asheville Art Museum Association-Early Literacy Through Art	$1,667
Asheville Museum of Science-Closing the Achievement Gap through STEM Learning for Students and Families	$10,000
Children First/Communities in Schools-Claxton Student Support Specialist and Pisgah View	$13,333
The Christine Avery Learning Center-CWA Early Learning Program	$20,000
One Youth at a Time-Tutoring, Mentoring, and Education	$2,662

Partners Unlimited-Academic Enhancement	$16,667
Getting Back to the Basics-Community Summer Day Camp	$3,167
Read to Succeed-Read to Succeed	$9,667
Youth Transformed for Life-R.O.S.E.S and M.O.S.S	$21,667
Buncombe Partnership for Children-Early Childhood Workforce Development	$10,667
Pisgah Legal Services-Tenant Eviction Response Program	$13,333
Green Opportunities-GO YouthBuild Community Improvement Projects	$13,333
YWCA-Getting Ahead in a Just Getting By World	$3,333
Aspire Youth and Family-Employ Youth	$3,333
Community Action Opportunities-Life Works for the Justice Involved	$4,000
Just Economics-Removing Barriers to Income Mobility	$2,833
OnTrackFinancial Education & Counseling-Volunteer Income Tax Assistance	$7,333
River Front Development Group-African American Cultural Heritage Project	$5,000
Bountiful Cities-Community Garden Network Support	$3,333

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to sign all contracts and grants to implement the strategic partnership fund grants.

Read, approved and adopted this the 11th day of June, 2019.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

470.

RESOLUTION NO. 19-143

RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 18-287 WITH THIS RESOLUTION AUTHORIZING THE SALE OF CITY OWNED PROPERTY AT 360 HILLIARD AVENUE AND 99999 MERRITT PARK LANE TO THE KASSINGER DEVELOPMENT GROUP (KDG DBA HILLIARD PARK APARTMENTS, LLC) FOR AN AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, on November 13, 2018, the Asheville City Council adopted Resolution No. 18-287, authorizing the sale of the City owned property at 360 Hilliard to Kassinger Development Group based upon certain terms and conditions; and

WHEREAS, the terms and conditions of the affordable housing development proposal have changed as outlined herein; and

WHEREAS, N.C. Gen. Stat. sec. 160A-456(B) authorizes the City of undertake community development programs and activities and to exercise those powers granted by law to municipal housing authorities; and

WHEREAS, N.C. Gen. Stat. sec. 157-9, the City is authorized to sell property for multi-family affordable housing development where at least 20% of the units are affordable to households at 60% of Area Median Income (AMI) or less for at least 15 years and in so doing, is exempt from the property conveyance rules of G.S. 160A, Article 12 (i.e., private sale is permissible and competitive bidding is not required); and

WHEREAS, the City owns approximately 2.59 acres of real property located at 360 Hilliard Avenue and 99999 Merritt Park Lane, and this site has been identified by City Council as suitable for affordable and workforce housing, more particularly identified on the Buncombe County tax map as PIN No(s). 964818394200000 and 964818277800000; and

WHEREAS, at the direction of Council, the terms of sale and use were negotiated with KDG, who submitted a qualified and timely proposal in response to the City's Request for Qualifications and Proposals for development of the property located at 360 Hilliard Avenue; and

WHEREAS, the property at 360 Hilliard Avenue is to be subdivided, with the City retaining the southern portion of the property (exact boundary to be determined by mutual agreement and based upon a survey) upon which KDG will construct a public parking lot for the primary use of patrons of the Aston Park tennis courts, and will bear one-half of the cost of that construction with the City also paying a one-half share of those costs; and

WHEREAS, the property at 99999 Merritt Park Lane is to be acquired and developed for the purpose of stormwater mitigation measures and additional parking exclusive to the residents of the affordable housing development to be constructed by KDG at the 338 Hilliard property; and

WHEREAS, KDG agrees to construct the trailhead and a portion of the Bacoate Branch Greenway in accordance with City plans and specifications at KDG's sole cost; and

WHEREAS, KDG has agreed to purchase the property for the price of $475,000 subject to an affordable housing deed restriction that requires the development of 34 affordable units within the 86 unit development, with 18 units available to 60% AMI households and below and 16 units to 80% AMI households and below for a period of 50 years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Resolution No. 18-287 is hereby repealed and replaced with this Resolution.
2. The City Manager is hereby authorized to execute documents and convey to the Kassinger Development Group dba Hilliard Park Apartments, LLC by private sale a portion of City real property located at 360 Hilliard Avenue and 99999 Merritt Park Lane in its entirety, upon the terms agreed upon by the City and Kassinger Development Group, and upon the approval of the City Attorney;
3. The City Clerk is hereby authorized to publish a notice summarizing the contents of this resolution once after its adoption in a newspaper of general circulation within the City, and no sale shall be consummated hereunder until 10 days after publication of such notice.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bullson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullson
City Clerk

RESOLUTION NO. 19-144

RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 18-288 WITH THIS RESOLUTION APPROVING A LOAN FROM THE CITY'S HOUSING TRUST FUND

WHEREAS, on November 13, 2018, the Asheville City Council adopted Resolution No. 18-288, approving a Housing Trust Fund Loan (herein "HTF") in the amount of $1,280,000 for the proposed affordable housing development by Kassinger Development at 360 Hilliard; and

WHEREAS, the terms and conditions of that development proposal have changed as outlined in the Staff Report dated June 11, 2019, necessitating a change in the terms of the HTF Loan; and

WHEREAS, the Community Development Staff has determined that the current affordable housing development proposed by Kassinger Development Group qualifies for a Housing Trust Fund Loan under the current policy; and

WHEREAS, an exception to the HTF policy is requested to extend the loan term to fifty (50) years, beyond the maximum period of thirty (30) years allowed by the policy and Community Development Staff recommends this exception; and

WHEREAS, the City Council's Housing and Community Development Committee has reviewed the proposal from Kassinger Development Group, and has made its recommendation to Council to approve the loan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Resolution No. 18-288 is hereby repealed and replaced with this Resolution.
2. A loan of $1,400,000 at 2.0% amortizing interest, for a period of fifty (50) years, with payments of principal and interest to commence three (3) years after loan closing, to Kassinger Development Group for the construction and management of eighty-six (86) mixed income rental apartments at 360 Hilliard Avenue, to be made immediately available following loan closing. Thirty-four (34) of the total units are to be restricted to individuals and households earning 80% or less of the Area Median Income (AMI), with eighteen (18) of those units restricted to individuals and households earning 60% AMI or less. The affordable units shall have a fifty (50) year affordability period, enforced by a deed covenant in a form acceptable to the City Attorney.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bowlson
City Clerk

Edwin G. Marcus
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-145

RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 17-117 WITH THIS RESOLUTION APPROVING A NEW LAND USE INCENTIVE GRANT AGREEMENT FOR KASSINGER DEVELOPMENT GROUP (DBA HILLIARD PARK APARTMENTS, LLC) FOR PROPERTY LOCATED AT 360 HILLIARD AVENUE

WHEREAS, on June 13, 2017, the Asheville City Council adopted Resolution No. 17-117 approving a Land Use Incentive Grant for Kassinger Development Group's proposed affordable housing development at 360 Hilliard; and

WHEREAS, the terms and conditions of the development proposal have changed as outlined herein; and

WHEREAS, the City's Land Use Incentive Grant Policy most recently updated in 2018 and the Community Development Staff has determined that the proposed project is eligible for an increased grant under this current policy; and

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. sec. 160A-456 to provide incentive grants (or appropriations) to encourage development projects that promote affordable housing for persons of low and moderate income and other community development activities in the City of Asheville; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the development proposed Kassing Development Group (dba Hilliard Park Apartments, LLC) represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the LUIP adopted by the City Council, the development located at 360 Hilliard Avenue and 99999 Merritt Park Lane will be an 86 unit multi-family rental development project that will fulfill an important public purpose, in that it will provide 34 units of affordable housing, and will be located within 1.00 mile of a designated job center, 0.25 miles of an ART bus stop, 0.50 miles of an existing school, and is within the City's Central Business District; and

WHEREAS, the actions described above would help maintain the financial condition of the property and ensure the maintenance of affordable housing units in the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Resolution No. 17-117 is hereby repealed and replaced with this Resolution.
2. The Asheville City Council hereby agrees to enter into a Land Use Incentive Program Agreement with Kassinger Development Group (dba Hilliard Park Apartments, LLC) to support the development located at 360 Hilliard Avenue. The annual land use incentive grant will be the difference between the current City tax and the estimated post-completion City tax, said grant amount currently estimated to be $50,913 annually, the actual amount to be determined by the actual assessed value of the development upon completion. The grant is approved for a period of 11 years (total estimated value of $560,043) and a 100% fee rebate is approved.
3. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bourbeau
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourbeau
City Clerk

RESOLUTION NO. 19-146

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, the term of S. Antanette Mosley, as a member of the African American Heritage Commission, will expire on July 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. S. Antanette Mosley, 3 Devonshire Place, Asheville, N.C., be and she is hereby reappointed as a member to the African American Heritage Commission, to serve an additional three-year term, term to expire July 1, 2022, or until her successor has been appointed.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bourleson
CITY CLERK

E. Ann E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

476 .

RESOLUTION NO. 19-147

RESOLUTION APPOINTING MEMBERS TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, the terms of Allison Scott (at-large seat) and Shana McDowell (at-large seat) expire on June June 30, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Shanna McDowell, 100 Atkinson Street, Asheville, N.C., be and she is hereby reappointed as a member of the Citizens-Police Advisory Committee (at-large seat) to serve an additional three-year term, term to expire June 30, 2022, or until her successor has been appointed.

Gretchen Gudites, 44 Wamboldt Avenue, Asheville, N.C., be and she is hereby appointed as a member of the Citizens-Police Advisory Committee (at-large seat) to serve a three-year term, term to expire June 30, 2022, or until her successor has been appointed.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-148

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the term of Bill Jones will expire on June 30, 2010;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Bill Jones, 339 Beaverdam Road, Asheville, N.C., be and he is hereby reappointed as a member of the Civic Center Commission to serve a three-year term, term to expire June 30, 2022, or until his successor has been appointed.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-149

RESOLUTION APPOINTING MEMBERS TO THE CIVIL SERVICE BOARD

WHEREAS, the terms of Carol Goins (Chair) and Carter Webb (member) expired on May 21, 2019; and

WHEREAS, it is the responsibility of City Council to annually appoint the Chair of the Civil Service Board; and

WHEREAS, pursuant to Resolution No. 19-138, adopted on June 11, 2019, City Council has the discretion to allow members of certain boards to serve more than two terms under certain circumstances; and

WHEREAS, Carol Goins has served two full two-year terms on the Civil Service Board; and

WHEREAS, City Council has weighed the following factors and has determined that reappointing Ms. Goins to another two-year term is in the best interests of the City of Asheville: (1) term lengths; (2) level of desired board expertise and experience; (3) matters pending before the board; and (4) additional terms would contribute to board stability and continuity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Carol Goins, 17 Rocking Porch Road, Asheville, N.C., be and she is hereby reappointed as a member of the Civil Service Board to serve an additional two-year term, term to expire May 21, 2021, or until her successor is duly appointed.

Carter B. Webb, 25 Westridge Drive, Asheville, N.C. be and he is hereby reappointed as a member of the Civil Service Board, to serve a two-year term, term to expire May 21, 2021, or until his successor is duly appointed.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-150

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSIONS

WHEREAS, the terms of Craig Cline and Woody Farmer, as members of the Asheville-Buncombe Historic Resources Commission, expire July 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Craig Cline, 10 Sunset Terrace, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve an additional three-year term, term to expire July 1, 2022, or until his successor has been appointed.

Gordon McKinney, 122 Strawbridge Court, Asheville, N.C., be and he is hereby reappointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire July 1, 2022, or until his successor has been appointed.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bowlesson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

480

RESOLUTION NO. 19-151

RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION OF ASHEVILLE

WHEREAS, the terms of Michael Carter, Gabrielle Fricke, Anne Greene, Christine Longoria, DeLores Venable and Sarah Williams, as members of the Human Relations Commission, expired on June 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Anne Greene, 800 Avalon Park Circle, Arden, North Carolina, be and she is hereby reappointed a member of the Human Relations Commission of Asheville to serve a two-year term, term expire June 1, 2021, or until her successor has been appointed.

Bettie Council, 99 Ascension Drive, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to expire June 1, 2021, or until her successor has been appointed.

Isaiah Green, 2500 University Heights, Asheville, North Carolina, be and he is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to expire June 1, 2021, or until his successor has been appointed.

Daniele Martin, 52 Buffalo Street, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to expire June 1, 2021, or until her successor has been appointed.

Nieva Arana, 11 Trellis Court, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to expire June 1, 2021, or until her successor has been appointed.

Tanya Rodriguez, 187 Owenby Cove Road, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to expire June 1, 2021, or until her successor has been appointed.

DeLores Venable, 108 Buchanan Drive, Asheville, North Carolina, be and she is hereby appointed a member of the Human Relations Commission of Asheville to serve a two-year term, term to expire June 1, 2021, or until her successor has been appointed.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bowlesson
CITY CLERK

Edwin E. Marion
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19- 152

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of Pat Deck (at-large seat); Billie Buie, (at-large seat) and Anna Sexton (representing zip code 28803 or 28728) as members on the Neighborhood Advisory Committee, expire July 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Anna Sexton, 44 Boyd Avenue, Asheville, N.C., be and she is hereby reappointed as a member of the Neighborhood Advisory Committee (representing the zip code 28803 or 28728), to serve a three-year term, term to expire July 1, 2022, or until her successor has been appointed.

Greta Bush, 49 Pleasant Ridge Drive, Asheville, N.C., be and she is hereby appointed as a member of the Neighborhood Advisory Committee (at-large seat) to serve a three-year term, term to expire July 1, 2022, or until her successor has been appointed.

Bobbette Mays, 19 Kingsley Way, Asheville, N.C., be and she is hereby appointed as a member of the Neighborhood Advisory Committee (at-large seat) to serve a three-year term, term to expire July 1, 2022, or until her successor has been appointed.

Read, approved and adopted this 11th day of June, 2019.

Magdalen Bullion
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-153

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Mr. Ron Laboray has resigned as a member on the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pete Perez, 38 Lookout Road, Asheville, N.C., be and he is hereby appointed as a member of the Public Art & Cultural Commission, to serve the unexpired term of Mr. Laboray, term to expire June 30, 2020, or until his has been appointed.

Read, approved and adopted this 11th day of June, 2019.

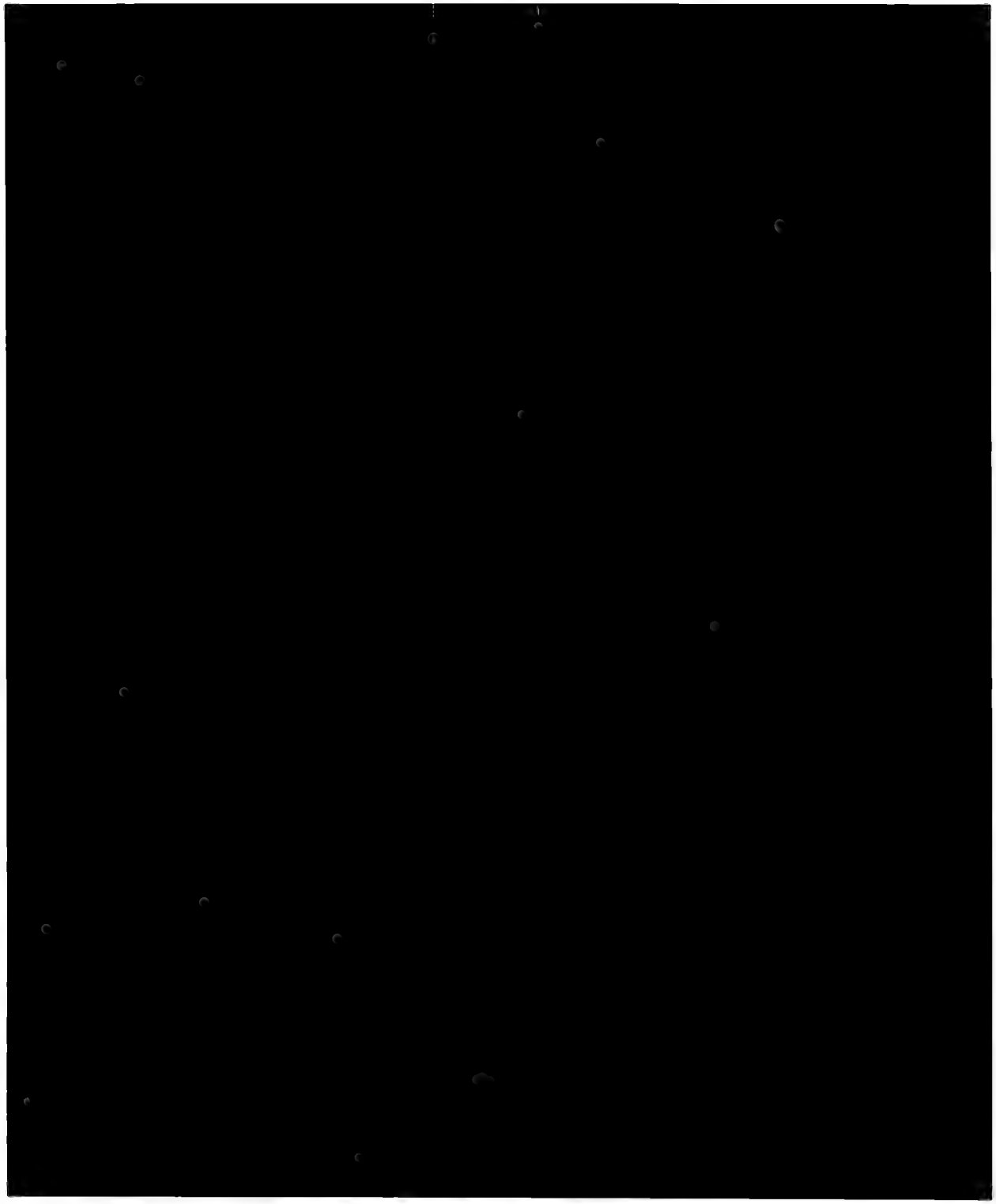
Magdalen Boulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Boulleson
City Clerk



BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

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VOLUME: 41

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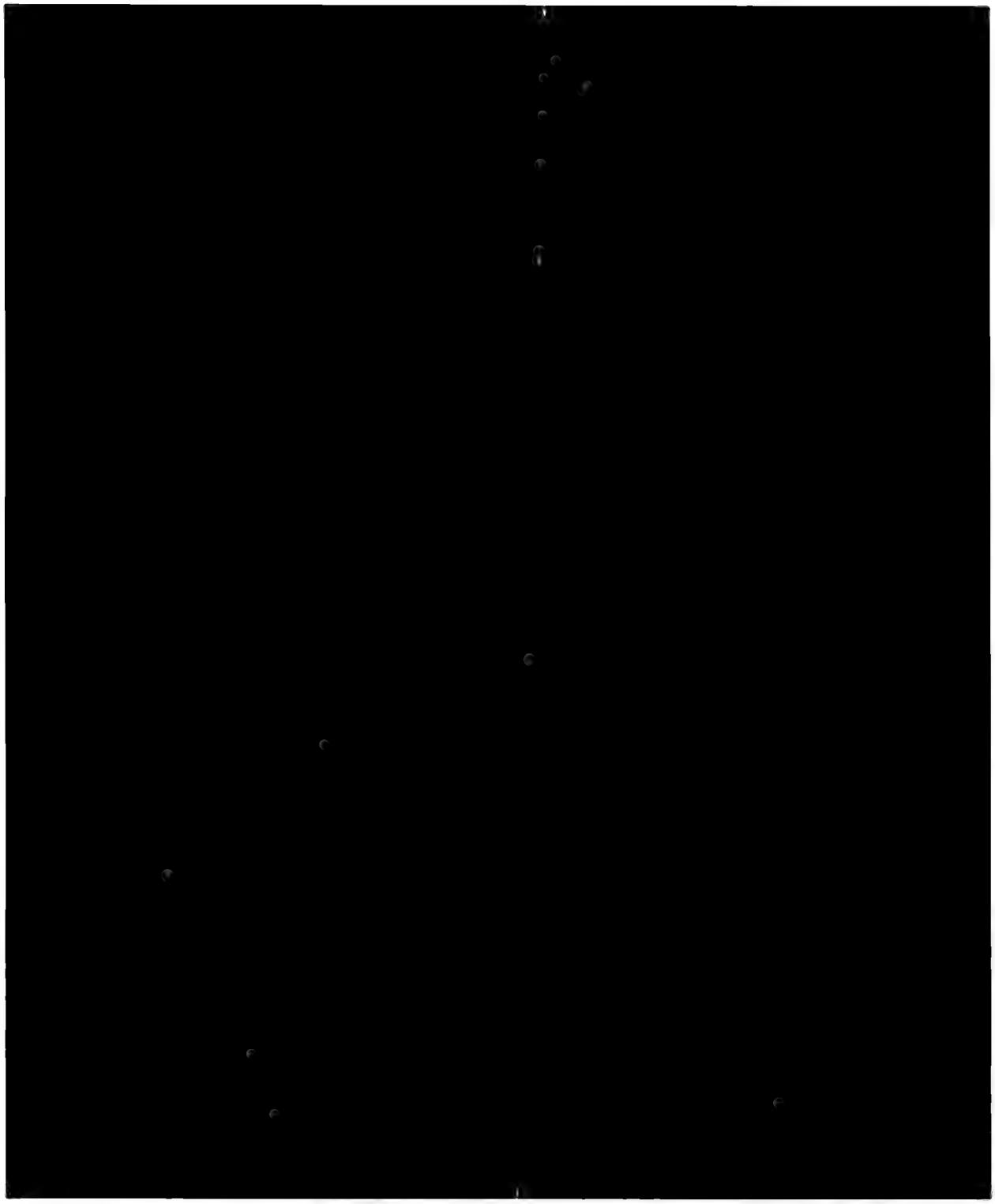

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RESOLUTION NO. 19- 154

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INDEPENDENCE DAY CELEBRATION ON THE DATE OF JULY 4, 2019, FROM 2:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporari y closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Independence Day Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Independence Day Celebration event area, as set forth in Exhibit A, attached.

   The Independence Day Celebration event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Independence Day Celebration on July 4 2019 from 2:00 p.m. - 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Independence Day Celebration event area. No other

possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Independence Day Celebration event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Independence Day Celebration, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of June 2019.

Magdalen Bresson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bresson
City Clerk

EXHIBIT A

Alcohol Area

4

RESOLUTION NO. 19- 155

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG CRAFTY ON THE DATE OF JULY 14, 2019, FROM 12:00 PM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Big Crafty.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Big Crafty event area, as set forth in Exhibit A, attached.

   The Big Crafty event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Big Crafty on Sunday, July 14, 2019 from 12:00 p.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Big Crafty event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Big Crafty event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Big Crafty, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or

unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of June 2019.

Magdalena Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalena Bouleson
City Clerk

6

EXHIBIT A

Alcohol Area

RESOLUTION NO. 19- 156

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE NC CERAMIC ARTS FESTIVAL ON THE DATE OF SEPTEMBER 21, 2019, FROM 11:00 AM – 5:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the NC Ceramic Arts Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the NC Ceramic Arts Festival event area, as set forth in Exhibit A, attached.

   The NC Ceramic Arts Festival event area is within the boundaries of North Pack Square, Raised Lawn and Vance Monument Median at Pack Square Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the NC Ceramic Arts Festival on Saturday, September 21, 2019, from 11:00 a.m. – 5:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the NC Ceramic Arts Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the NC Ceramic Arts

Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the NC Ceramic Arts Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of June 2019.

Magdalen Bowleson
City Clerk

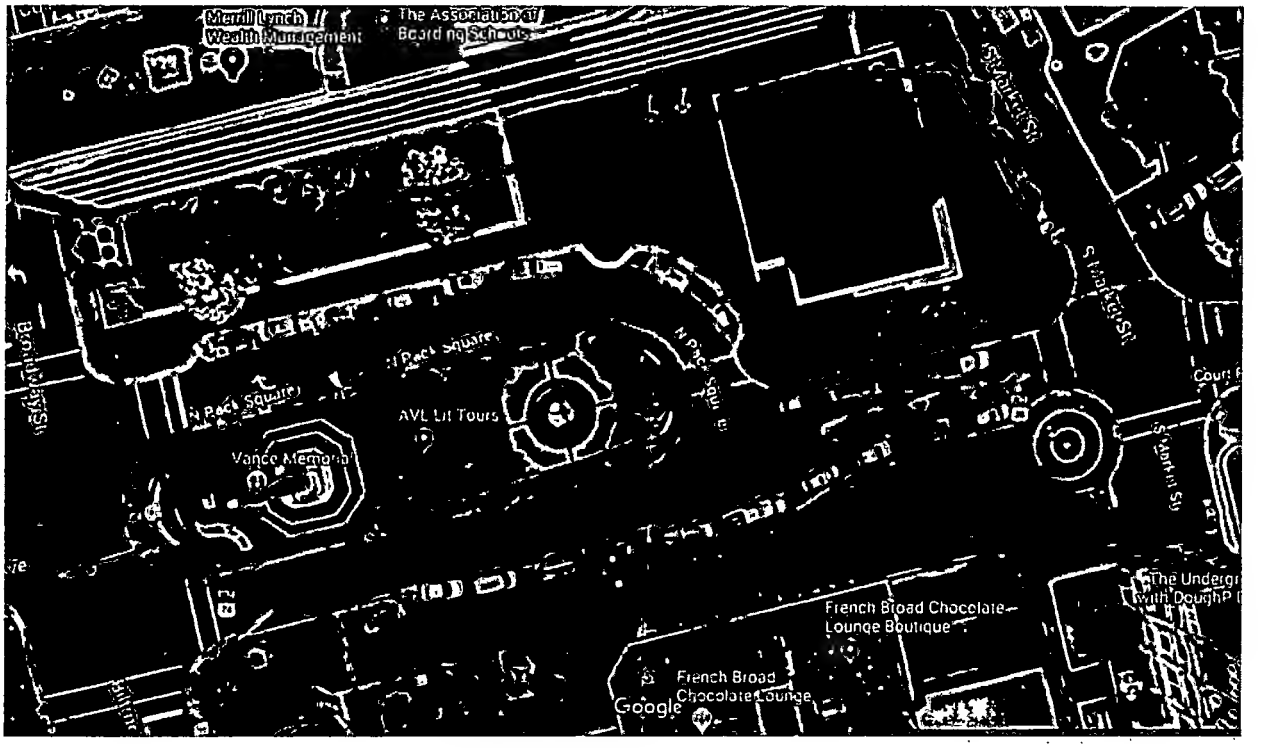
Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A



Alcohol Area

10

RESOLUTION NO. 19- 157

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEAF DOWNTOWN AVL ON THE DATES OF AUGUST 2, 2019, FROM 3:00 PM – 10:00 PM AND AUGUST 3, 2019, FROM 9:00 AM - 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at LEAF Downtown AVL.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the LEAF Downtown AVL event area, as set forth in Exhibit A, attached.

   The LEAF Downtown AVL event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for LEAF Downtown AVL on Friday, August 2, 2019, from 3:00 p.m. – 10:00 p.m. and Saturday, August 3, 2019, from 9:00 a.m. - 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not

permitted anywhere in the LEAF Downtown AVL event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the LEAF Downtown AVL event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of LEAF Downtown AVL, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 25th day of June 2019.

Magdalen Burleson
City Clerk

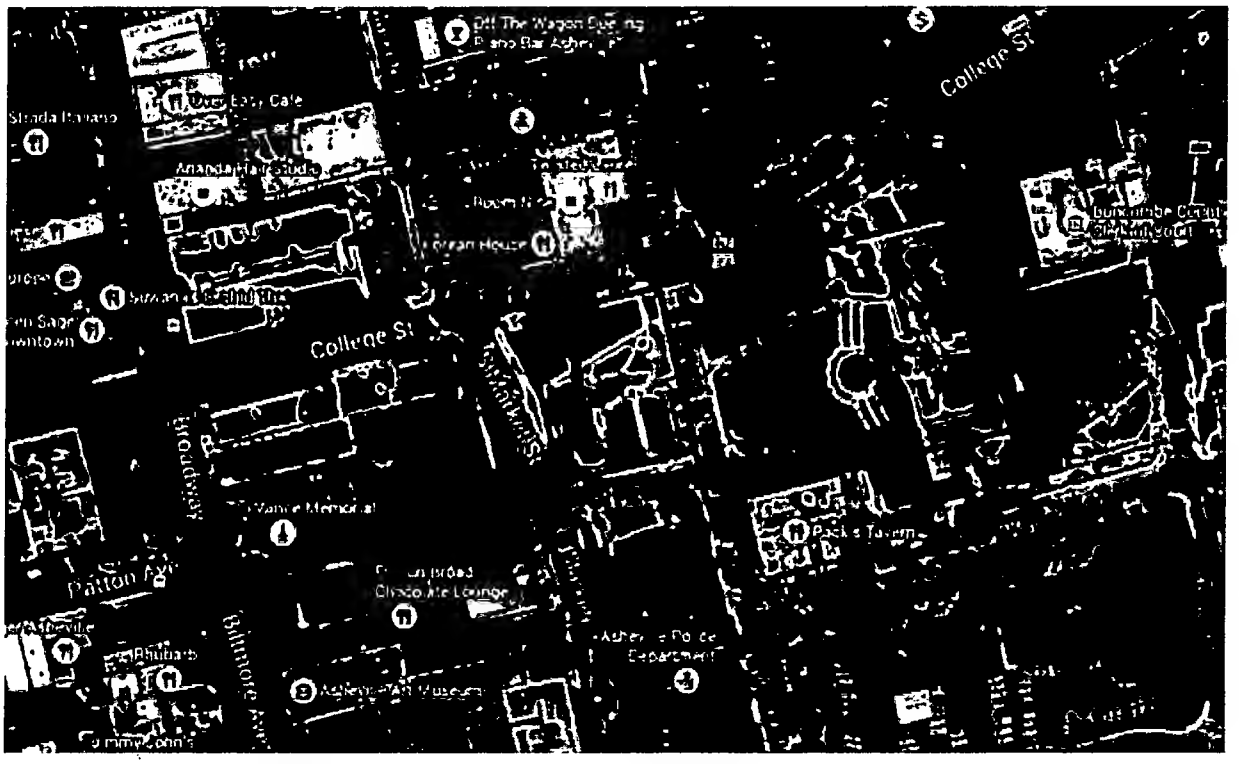
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO 19- 158

RESOLUTION AMENDING THE 2019 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The 2019 City Council Meeting Schedule be amended to add a worksession on July 2, 2019, at 5:00 p.m. in the Banquet Hall of the U.S. Cellular Center, to discuss legal options regarding election districts. At the July 2 worksession, a motion is anticipated to suspend the rules and allow public comment.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

14

RESOLUTION NO. 19-159

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH HARPER CORPORATION FOR THE MILLS RIVER WATER TREATMENT PLANT MISCELLANEOUS IMPROVEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department advertised for bids for the Mills River Misc. Improvements; and

WHEREAS, the Harper Corporation was selected by Water Resources staff for the project based on their qualifications, understanding of project scope, and cost; and

WHEREAS, the City wishes to enter into a construction contract with the Harper Corporation for the project; and

WHEREAS, the funding for the agreement is allocated within the Water Resources -Capital Improvement Budget; and

WHEREAS, the contract amount will be for the estimated amount of $1,917,000.00 plus a 15% contingency of $287,550.00 for a total project budget of $2,204,550.00;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a construction contract with the Harper Corporation for the Mills River Water Treatment Plant Miscellaneou Improvements for the estimated amount $1,917,000.00, and further authorizing the execution of any contract amendments or change orders up to 15% above the estimated amount, which may arise during execution of said project.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-160

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH H&M CONSTRUCTORS, INC. FOR THE CITY HALL BOILER REPLACEMENT PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the City Hall Boiler Replacement project, City of Asheville Project #B1101; and

WHEREAS, the H&M Constructors, Inc. of Asheville, NC was the lowest responsible bidder for the project; and

WHEREAS, the H&M Constructors, Inc. shall provide all labor, materials, and equipment for the replacement of boilers at City Hall; and

WHEREAS, the amount of the bid is $772,500.00, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with H&M Constructors, Inc. in the amount of $772,500.00, for the City Hall Boiler Replacement project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $77,250 (10%).

Read, approved and adopted this the 25th day of June, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

16

RESOLUTION NO. 19-161

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE PRESERVATION SOCIETY OF ASHEVILLE AND BUNCOMBE COUNTY FOR CITY-OWNED PROPERTY AT 324 CHARLOTTE STREET

WHEREAS, the City of Asheville is the owner of real property located at 324 Charlotte Street, identified as PIN #964966002500000, known as the historic E.W. Grove House; and

WHEREAS, N.C. Gen. Stat. Sec. 160A-272 provides that property owned by a city may be leased for a period longer than ten years if it is treated as a sale; and

WHEREAS, N.C. Gen. Stat. Sec. 160A-266(b) authorizes the City to sell or otherwise convey (i.e. long term lease) city owned property by means of private negotiation and sale to non-profit entities whose purposes include the preservation or conservation of real properties of historical significance; and

WHEREAS, the City Asheville agrees to apply rent credit from the past renovation of the building by the Preservation Society of Asheville and Buncombe County in the amount of $114,309 with said credit applied towards the fair market rent of $600 per month with 3% escalations during the term of this lease; and

WHEREAS, the City of Asheville agrees to lease to the Preservation Society of Asheville and Buncombe County for a term of thirteen (13) years, two (2) months wherein the remaining rental credit will be exhausted, commencing retroactively to October 1, 2017;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between the City of Asheville and the Preservation Society of Asheville and Buncombe County for the historic E.W. Grove House located at 324 Charlotte Street. The City Clerk is hereby authorized to publish a notice summarizing the contents of this resolution after its adoption in a newspaper of general circulation within the City, and no agreement shall be consummated hereunder until 10 days after publication of such notice. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-162

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH E. LUKE GREENE COMPANY, INC. FOR THE CITY HALL 7TH FLOOR ASBESTOS ABATEMENT PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the City Hall 7th Floor Asbestos Abatement project, City of Asheville Project #B1101; and

WHEREAS, the E. Luke Greene Company, Inc. of Strawberry Plains, TN was the lowest responsible bidder for the project; and

WHEREAS, the E. Luke Greene Company, Inc. shall provide all labor, materials, and equipment for select demolition and the removal of asbestos containing materials in support of the 7th floor renovation project, and boiler replacement project; and

WHEREAS, the amount of the bid is $175,345.00, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with E. Luke Greene Company, in the amount of $175,345, for the City Hall 7th Floor Asbestos Abatement project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $35,069 (20%).

Read, approved and adopted this the 25th day of June, 2019.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

18

RESOLUTION NO. 19-163

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE EXISTING AGREEMENT WITH A&B CLEANING, RETROACTIVELY AUTHORIZE THE RENEWAL AND EXPENDITURES FOR THE PAST YEAR OF SERVICE, AND AUTHORIZE CHANGES TO THE CONTRACT THAT WILL SET A LIMIT FOR PROVIDING THESE SERVICES TO NO MORE THAN FIVE CONSECUTIVE YEARS.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with A&B Cleaning for the provision of custodial services; and

WHEREAS, the City of Asheville desires to renew the above-referenced contract for an additional one-year; and

WHEREAS, the City of Asheville is seeking authorization to retroactively approve contract renewal and expenditures for the past year; and

WHEREAS, the City of Asheville is seeking to modify the existing contract to include a term of service that will not exceed a period of five consecutive years; and

WHEREAS, funding for said work is included in the current fiscal budget in the City Hall Operations Division of the Capital Projects Department;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to renew the existing agreement with A&B Cleaning , retroactively authorize the renewal and expenditures for the past year of service, and authorize changes to the contract that will set a limit for providing these services to no more than five consecutive years.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bullerson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 19-164

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH STANTEC CONSULTING SERVICES FOR PROFESSIONAL ENGINEERING SERVICES FOR THE AMERICA'S INFRASTRUCTURE ACT - SENATE BILL 3021 PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the WRD wishes to enter into a contract with Stantec Consulting Services in the amount of $382,502.36 plus a contingency of $38,250.24 to perform professional engineering services for the America's Water Infrastructure Act (AWIA) - Senate Bill 3021Project for a total project budget in the amount of $420,752.59 for the America's Water Infrastructure Act (AWIA) - Senate Bill 3021Project. and

WHEREAS, the funding for the America's Water Infrastructure Act (AWIA) - Senate Bill 3021project is allocated within the Water Resources Capital Improvement FY 2019 - 2020 Projects Fund.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a professional engineering services contract in the amount of $382,502.36 plus a contingency of $38,250.24 for a total project budget of $420,752.59 for the America's Water Infrastructure Act (AWIA) - Senate Bill 3021 Project; and further authorized to execute any change orders to said contract or documents which may arise during said project up to the budgeted amount.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

20

RESOLUTION NO. 19-165

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT TO DUKE ENERGY PROGRESS, INC. FOR THE PURPOSE OF INSTALLING ELECTRIC SERVICE TO A WATER TANK ON CITY-OWNED PROPERTY ON CHARLOTTE HIGHWAY

WHEREAS, N.C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at Charlotte Highway and Cedar Mountain Road, identified as PIN # 967721747100000; and

WHEREAS, the City has requested that electricity be extended for a new water tank on the property and Duke Energy Progress (DEP) has determined that no easement currently exists; and

WHEREAS, the portion of land needed for the permanent easement comprises approximately 2,121 square feet or 0.049 acres and because it is a distribution easement, DEP has offered no compensation for the easement; and

WHEREAS, the easement will facilitate the City's intended use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement of approximately 2,121 square feet over a portion of property located at Charlotte Highway and Cedar Mountain Road PIN # 967721747100000 to Duke Energy Progress, Inc.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-166

RESOLUTION RATIFYING INTER-LOCAL AGREEMENT AND APPROVING AN AMENDMENT TO THAT AGREEMENT WITH THE BUNCOMBE COUNTY SHERIFF'S OFFICE CONCERNING BUNCOMBE COUNTY ANTI-CRIME TASK FORCE EQUITABLE SHARING.

WHEREAS, N.C. Gen. Stat. § 160A-461requires that inter-local agreements entered into by the City be ratified by the City Council; and

WHEREAS, on August 18, 2015, the Asheville Police Department and the Buncombe County Sheriff's Office ("the BCSO"), entered into an Inter-local Agreement creating a multi-jurisdictional law enforcement team called the Buncombe County Anti-Crime Task Force ("BCAT"); and

WHEREAS, the BCSO has historically acted as the fiduciary for BCAT; and

WHEREAS, updated Federal Equitable Sharing Program guidelines prohibit payments directly to a "Task Force" as described Section II.D of the 2018 Guide to Equitable Sharing; and

WHEREAS, the BCAT Executive Board has determined that property and funds seized by BCAT must be paid directly to the agencies in order to maintain compliance with Equitable Sharing Program Guidelines; and

WHEREAS, the APD and BCSO have agreed that the BCSO will receive 68.44% and the APD will receive 31.56% of such property and funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The inter-local agreement entered into between the APD and the BCSO on August 18, 2015, is hereby ratified.

2. The City Manager or their designee is hereby authorized to enter into an amendment to the August 18, 2015 agreement pertaining to the distribution of forfeited property and funds between the City and the BCSO.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

22

RESOLUTION NO. 19- 167

RESOLUTION TO ACCEPT THE STREET NAME CHANGE OF THE MOST SOUTHERN PORTION OF "PARK AVENUE NORTH" TO "ARTFUL WAY"

WHEREAS, the City has the authority pursuant to G.S. 160A-296 and City Code Sec. 16-175 to change the names of public streets within the City's jurisdiction; and

WHEREAS, City staff has identified the need for most southern portion of Park Avenue North to be named a new unique street name and recommends the street name change to "Artful Way"; and

WHEREAS, Buncombe County Emergency Services Department, Buncombe County Planning Department, City of Asheville Traffic Engineering Division, Asheville Police and Fire Departments have confirmed that "Artful Way" will not duplicate another street name elsewhere in Buncombe County in away that would impair the delivery of municipal or emergency services; and

WHEREAS, notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation; and

WHEREAS, a public hearing on this matter was held on June 25, 2019; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The street name change of the southern most portion of "Park Avenue North" to "Artful Way" be accepted and that such name acceptance be effective upon adoption of this resolution.

2. The Director of Public Works is hereby directed to cause this street name change to be entered on the City of Asheville City Maintained Street Inventory.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bullion
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-168

RESOLUTION TO ACCEPT THE STREET NAME CHANGE OF "WILBAR AVENUE" TO "LEE GARDEN LANE"

WHEREAS, the City has the authority pursuant to G.S. 160A-296 and City Code Sec. 16-175 to change the names of public streets within the City's jurisdiction; and

WHEREAS, City staff has identified the developers request to name the proposed new street a new unique street name and recommends the street name change to "Lee Garden Ln"; and

WHEREAS, Buncombe County Emergency Services Department, Buncombe County Planning Department, City of Asheville Traffic Engineering Division, Asheville Police and Fire Departments have confirmed that "Lee Garden Ln' will not duplicate another street name elsewhere in Buncombe County in away that would impair the delivery of municipal or emergency services; and

WHEREAS, notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation; and

WHEREAS, a public hearing on this matter was held on June 25, 2019; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The street name change of "Wilbar Avenue" to "Lee Garden Lane" be accepted and that such name acceptance be effective upon adoption of this resolution.

2. The Director of Public Works is hereby directed to cause this street name change to be entered on the City of Asheville City Maintained Street Inventory.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

24"

RESOLUTION NO. 19-169

RESOLUTION ASKING GOVERNOR ROY COOPER TO VETO HB370 AND INDICATING OUR SUPPORT OF THIS ACTION AND OUR ELECTED SHERIFF QUENTIN MILLER

WHEREAS, we are mandated to provide the service of public safety for all residents of the City of Asheville; and

WHEREAS, we are grateful for our neighbors and all the gifts that they bring to the City of Asheville; and

WHEREAS, we recognize the strength we have as a community when all of our residents in all of our neighborhoods can live without fear; and

WHEREAS, the people of Asheville and Buncombe County duly elected Sheriff Quentin Miller under the mandate to fulfill his promise to keep the full community safe and to not cooperate with the Immigration and Customs Enforcement; and

WHEREAS, N.C. HB370 would make it mandatory for NC Sheriffs to do something the Federal Government has said is voluntary (to cooperate with ICE detainers); and

WHEREAS, because these detainers are not tied to criminal cases, they would require local sheriffs to hold individuals without probable cause, in violation of their constitutional rights; and

WHEREAS, forcing sheriffs to act as an extension of ICE diverts much needed taxpayer resources away from education, healthcare, childcare, housing, and other resources needed by every person in Asheville; and

WHEREAS, making sheriffs comply erodes the community trust in local law enforcement, decreases the voluntary reporting of crime, and spreads fear throughout our immigrant communities; and

WHEREAS, we believe that the best of our humanity and the best of local government happens when we support the full worth and dignity of all people and their families by helping to keep them safe in our community and together; and

WHEREAS, we as a community are committed to protecting each other and to making Asheville a safe place in which to live;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

An official request be sent from this body to Governor Roy Cooper asking him to veto HB370 and indicating the support of this body for that action.

Read, approved and adopted this 25th day of June, 2019.

Magdalen Bouleson
CITY CLERK

Edgar E. Nolen
MAYOR

Approved as to form:
CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 19-170

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WTAPS, LLC FOR THE RICHMOND HILL PARK PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Richmond Hill Park project, City of Asheville Project X1820 ; and

WHEREAS, the WTAPS, LLC of Asheville, NC was the lowest responsible bidder for the project; and

WHEREAS, the amount of the bid is $305,662.00, and funding for the project is allocated within the GO Bond Funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with WTAPS, LLC in the amount of $305,662.00, for the Richmond Hill Park restroom and picnic shelter project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $30,566 (10%).

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-171

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA SPECIALTIES CONSTRUCTION, LLC, FOR THE ART TRANSIT FACILITY RENOVATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the ART Transit Facility Renovation project, City of Asheville Project #B1703; and

WHEREAS, the Carolina Specialities Construction, LLC, of Asheville, NC was the lowest responsible bidder for the project; and

WHEREAS, the Carolina Specialties Construction, LLC, shall provide all labor, materials, and equipment for the renovation of facilities at the ART Transit Station; and

WHEREAS, the amount of the bid is $678,299.95, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Carolina Specialties Construction, LLC, in the amount of $678,299.95, for the ART Transit Facility Renovation project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $101,745.00 (15%).

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-172

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH BETTERMENTS WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CITY TO MAINTAIN A NEW SIDEWALK THAT WILL BE CONSTRUCTED AS A PART OF AN I-26 WIDENING PROJECT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 160A-296 to maintain and control those areas of sidewalks within its jurisdiction that are not owned by the North Carolina Department of Transportation; and

WHEREAS, the N.C. Dept. of Transportation (NCDOT) has plans to widen I-26 from NC 280 (Airport Road) to I-40; and

WHEREAS, the NCDOT and the City of Asheville agree that a new sidewalk along the south side of Long Shoals Road from the I-26 Eastbound on-ramp to the I-26 Westbound off-ramp will provide an important pedestrian connection;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a municipal agreement with betterments with the N.C. Dept. of Transportation (NCDOT) for the City to accept maintenance responsibility for a new sidewalk that will be constructed as a part of an I-26 widening project and to reimburse the NCDOT 40% of the actual cost which is estimated to be $12,000.

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-173

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TRAFFIC - REVIEW AND INSPECTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CITY TO ADD PEDESTRIAN PHASING AT THREE SIGNALIZED INTERSECTIONS AS A PART OF A SIDEWALK BOND PROJECT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 160A-296 to maintain and control those areas of sidewalks within its jurisdiction that are not owned by the N.C. Dept. of Transportation (NCDOT); and

WHEREAS, the City has plans to construct a new sidewalk along NC 280 (Airport Road) from US 25 (Hendersonville Road) to the western end of Wal-Mart; and

WHEREAS, the NCDOT and the City of Asheville agree that pedestrian phasing is needed at three signalized intersections to enhance the pedestrian experience; and

WHEREAS, the City has prepared the appropriate designs to add pedestrian phasing and will be furnishing and installing the equipment and crosswalks;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a traffic - review and inspection agreement with the N.C. Dept. of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at three signalized intersections along NC 280 (Airport Road) and to submit payment in the amount of $15,000 upon partial execution of the agreement by the City.

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-174

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN EXISTING CONTRACT WITH S&S MANAGEMENT GROUP, LLC FOR FISCAL YEAR 2018-19; AND TO EXECUTE A ONE-YEAR EXTENSION OF AN EXISTING CONTRACT WITH S&S MANAGEMENT GROUP, LLC FOR FISCAL YEAR 2019-20 FOR SECURITY COVERAGE IN THE PARKING GARAGES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has a need for contracted unarmed parking garage security services to supplement existing in-house security in order to provide 24/7 coverage; and

WHEREAS, the amended amount of the existing contract is not to exceed $108,000 and the monies are budgeted in the Parking Services operating budget for FY 2018-19; and

WHEREAS, the amount of the one-year extension of the existing contract is not to exceed $160,000 and the monies are budgeted in the Parking Services operating budget for FY 2019-20;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to amend contract # 91900235 with S&S Management Group, LLC for an amount not to exceed $108,000 for FY 2018-19.

2. The City Manager is hereby authorized to execute a one-year extension to contract # 91900235 for an amount not to exceed $160,000 for FY 2019-20.

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-175

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT STREETS AND RIGHTS OF WAY THAT HAVE BEEN DEDICATED TO THE CITY, AND RECOMMENDED FOR ACCEPTANCE BY THE DIRECTORS OF THE CITY'S TRANSPORTATION AND PUBLIC WORKS DEPARTMENTS, BY EXECUTING A FORMAL MEMORANDUM OF ACCEPTANCE FOR EACH STREET SO ACCEPTED

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 160A-296 to establish and control streets within its jurisdiction; and

WHEREAS, developers and other land owners regularly dedicate streets to the City, which the City then has the option of accepting, at its discretion; and

WHEREAS, the Transportation and Public Works departments recommend that the City adopts a practice of executing a Memorandum of Acceptance for each dedicated street that is accepted by the City in the future, so as to better clarify which streets are owned and maintained by the City, as opposed to private entities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept streets and rights of way that have been dedicated to the City, and recommended for acceptance by the Directors of the City's Transportation and Public Works departments, by executing a formal Memorandum of Acceptance for each street so accepted.

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Bullson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullson
City Clerk

RESOLUTION NO. 19-176

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH OWEN JOSEPH, LLC FOR THE CITY HALL GARAGE STRUCTURE IMPROVEMENT PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the City Hall Garage Structure Improvement; and

WHEREAS ,Owen Joseph, LLC was the lowest responsible bidder for the project; and

WHEREAS, Owen Joseph, LLC shall provide all labor, materials, and equipment for the garage structure improvements at City Hall; and

WHEREAS, the amount of the bid is $159,693.00, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with OwenJoseph, LLC in the amount of $159,693.00, for the City Hall Garage Structure Improvement Project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $15,969.00 (10%).

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-177

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY CONSTRUCTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION (NCDOT) FOR THE I-4400C PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-17.1, the City of Asheville is authorized to make contracts for and accept grants in aid and loans from federal and state governments and their agencies for constructing, expanding, monitoring and operating any project or facility or performing any function, which such city may be authorized by law to provide or perform; and

WHEREAS, the NCDOT plans to make highway improvements to Fanning Bridge Road at the crossing of I-26, which constitutes the need for adjustment or relocation of City of Asheville municipal waterlines within the NCDOT right-of-way; and

WHEREAS, as a condition of the installation, operation and maintenance of waterlines within the NCDOT right-of-way, the City of Asheville Water Resources Department is responsible for 100% of the cost associated with adjustment or relocation of said waterlines at NCDOT's estimate of $279,508.10; and

WHEREAS, by execution of the Utility Construction Agreement with NCDOT to include the adjustment or relocation of City of Asheville municipal waterlines in NCDOT's construction contract, it provides the best possible means to cause the required adjustment or relocation of said waterlines; and

WHEREAS, the funding needed for this agreement is currently allocated within the NCDOT Project in the Water Resources Capital Improvement Projects Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Utility Construction Agreement with the North Carolina Department of Transportation (NCDOT) for the estimated amount of $279,508.10 plus a 10% contingency for a total budget of $307,458.91 for the I-4400C Project. The City Manager is further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the estimated budgeted amount.

Read, approved and adopted this 23rd day of July, 2019.

Magdalen Bullock
City Clerk

Esther C. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

34

RESOLUTION NO. 19- 178

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE HIWIRE 6TH ANNIVERSARY PARTY ON THE DATE OF JULY 27, 2019, FROM 3:00 PM – 11:59 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the HiWire 6th Anniversary Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the HiWire 6th Anniversary Party event area, as set forth in Exhibit A, attached.

   The HiWire 6th Anniversary Party event area is within the boundaries of Huntsman Place between the intersections of Meadow Road and 2 Huntsman Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the HiWire 6th Anniversary Party on July 27, 2019, from 3:00 p.m. - 11:59 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the HiWire 6th Anniversary Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the HiWire 6th

Anniversary Party event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the HiWire 6th Anniversary Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 23rd day of July 2019.

Magdalen Bullson
City Clerk

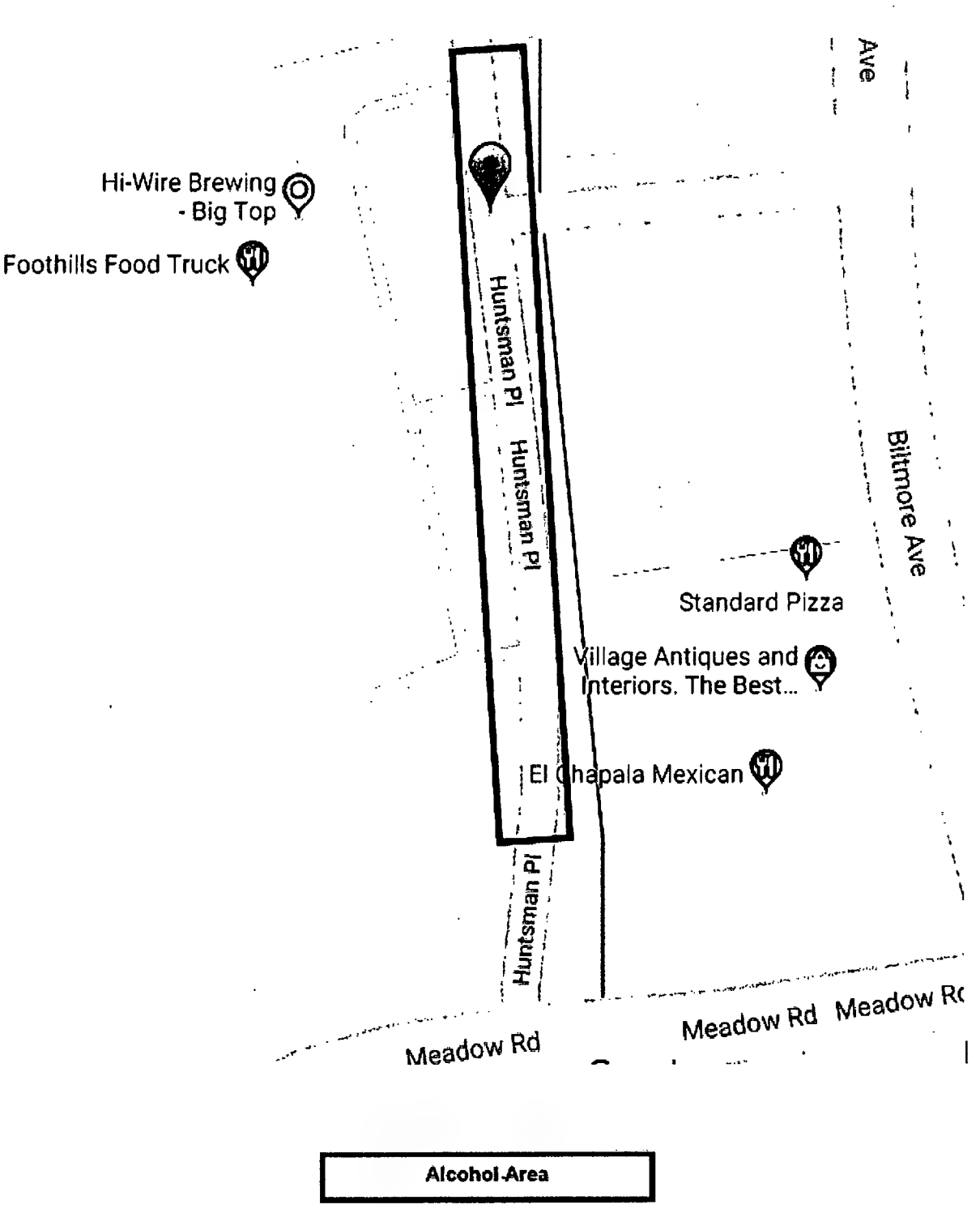
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullson
City Clerk

EXHIBIT A


Hi-Wire Brewing - Big Top
Foothills Food Truck
Huntsman Pl
Huntsman Pl
Huntsman Pl
Biltmore Ave
Ave
Standard Pizza
Village Antiques and Interiors. The Best...
El Chapala Mexican
Meadow Rd
Meadow Rd
Meadow Rd
Alcohol Area

RESOLUTION NO. 19- 179

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FARM TO VILLAGE DINNER ON THE DATE OF SEPTEMBER 5, 2019, FROM 6:00 PM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Farm to Village Dinner.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Farm to Village Dinner event area, as set forth in Exhibit A, attached.

   The Farm to Village Dinner event area is within the boundaries of Boston Way between the intersections of Kitchen Place and Swan Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Farm to Village Dinner on Thursday, September 5, 2019, from 6:00 p.m. – 9:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Farm to Village Dinner event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Farm to Village Dinner event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Farm to Village Dinner, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt

beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 23rd day of July 2019.

Magdalen Bowlson
City Clerk

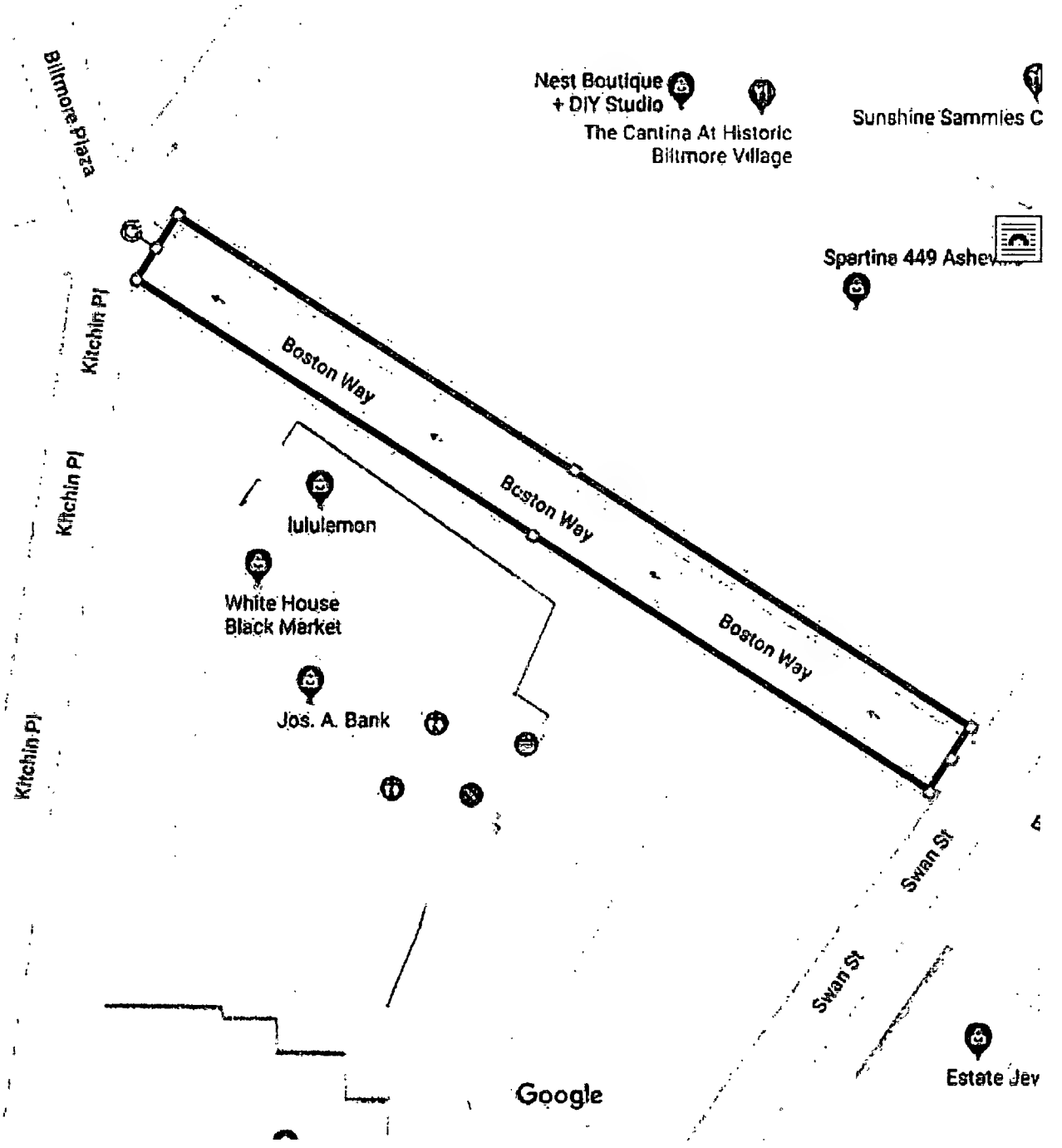
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A



Alcohol Area

40

RESOLUTION NO. 19- 180

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL ON THE DATE OF SEPTEMBER 28, 2019, FROM 11:00 AM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Blue Ridge Pride Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Blue Ridge Pride Festival event area, as set forth in Exhibit A, attached.

   The Blue Ridge Pride Festival event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Vance Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Blue Ridge Pride Festival on Saturday, September 28, 2019, from 11:00 a.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Blue Ridge Pride Festival event area. No other

possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Blue Ridge Pride Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Blue Ridge Pride Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 23rd day of July 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

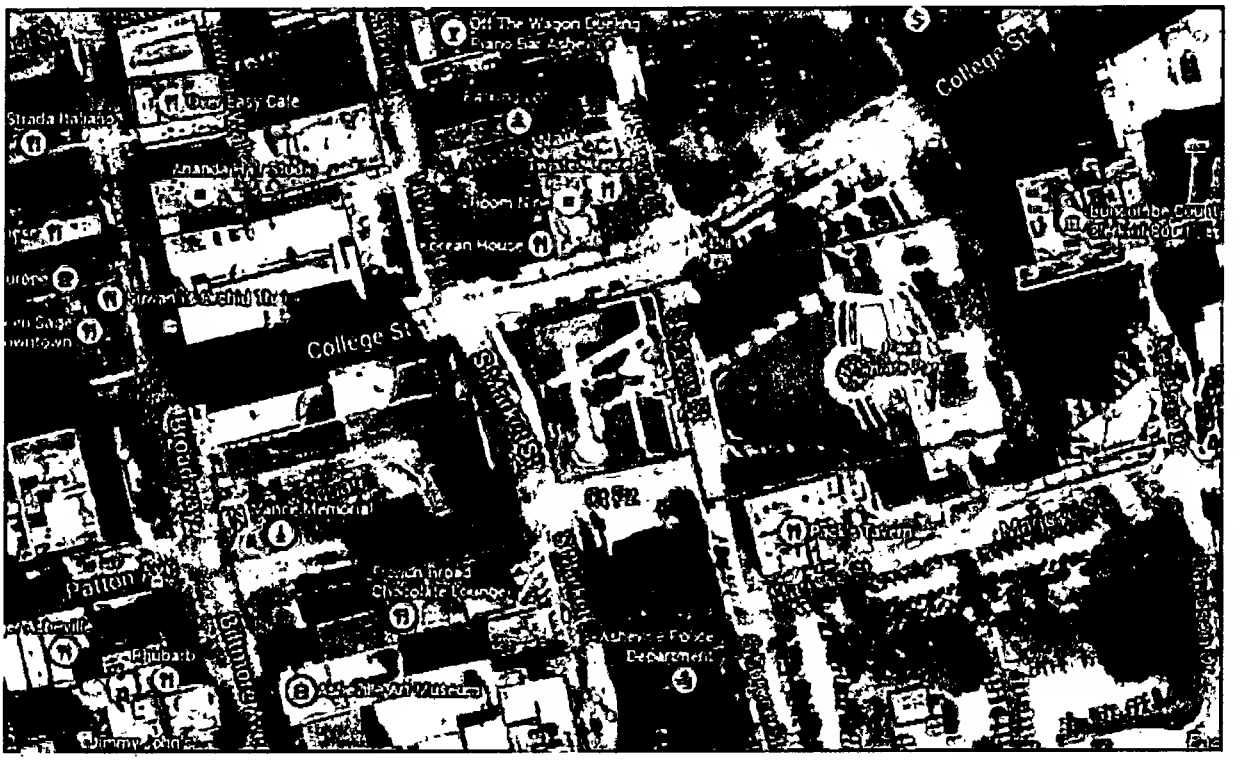
Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

42.

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19-181

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTETO EXECUTE A CHANGE ORDER TO INCREASE THE WATER SYSTEM MASTER PLAN UPDATE PROFESSIONAL SERVICES CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, on February 14, 2017 a resolution was passed for the City Manager to enter into a contract with Hazen and Sawyer to perform an Update to the Water System Master Plan; and

WHEREAS, it has been determined that additional professional services are needed in order to meet the project objectives and resolve additional issues within the water system; and

WHEREAS, a change order in the amount of $99,900.00 is needed to increase the professional services contract for Hazen and Sawyer, from a total in the amount of $570,360 to $670,260 for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order in the amount of $99,900 to increase the Water System Master Plan Update Professional Services Contract from a total in the amount of $570,360 to $670,260.

Read, approved and adopted this 23rd day of July, 2019.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-182

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN PAVING & CONCRETE, INC. FOR THE WOOD AVE. NEIGHBORHOOD SIDEWALK PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Wood Ave. Neighborhood Sidewalk project, City of Asheville Project #K1803; and

WHEREAS, Appalachian Paving & Concrete, Inc. of Asheville, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, the Appalachian Paving & Concrete, Inc.. shall provide all labor, materials, and equipment for the installation of sidewalk, retaining walls, and all needed appurtenances; and

WHEREAS, the amount of the bid is $498,740, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Appalachian Paving & Concrete, Inc. in the amount of $498,740 for the Wood Ave. Neighborhood Sidewalk project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $74,811 (15%) for a total contract amount not to exceed $573,515.

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-183

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW TEN YEAR LEASE AGREEMENT BETWEEN ASHEVILLE BUNCOMBE YOUTH SOCCER ASSOCIATION AND THE CITY OF ASHEVILLE FOR JOHN B. LEWIS SOCCER COMPLEX IN ASHEVILLE

WHEREAS, N.C. Gen. Stat. sec. 160A-272 authorizes the City to acquire leases of real property for use by any department of the City only if the council determines that the property will not be needed by the city for the term of the lease; and

WHEREAS, the City Council approved authorized the City Manager to execute a lease agreement with the Asheville Buncombe Youth Soccer Association (ABYSA) on March 26, 2019;

WHEREAS, a significant rain event occurred on April 19, 2019, causing the work described in the original lease to be null and void;

WHEREAS, the City of Asheville is the owner of real property located at 439 Azalea Road and known as John B. Lewis Soccer Complex; and

WHEREAS, ABYSA schedules use of the soccer fields for youth and adult play including practices, games and tournaments: and

WHEREAS, the terms of the lease are for ten years for $1 per year and additional considerations outlined in the lease; and

WHEREAS, the rental beginning July 1, 2019 for the leased premises will be $1;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a new lease agreement between the City of Asheville and ABYSA for the John B. Lewis Soccer Complex at 439 Azalea Road.

Read, approved and adopted this 23th day of July, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

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RESOLUTION NO. 19-184

RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE AN ADMINISTRATIVE CHANGE TO STRATEGIC PARTNERSHIP FUND RESOLUTION 19-142

WHEREAS, the City of Asheville authorizes the City Manager to sign all contracts and grants, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Fund grants; and

WHEREAS, City Council approved Strategic Partnership Funding for 2019-2020 grant recipients on June 11 2019, as recommended by the Housing and Community Development Committee on March 29 2019;

WHEREAS, an administrative error was made listing the incorrect program name for the award to The Christine Avery Learning Center whereas the correct program name listing is Black Culture Enrichment and College Tour;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to correct the program name from "CWA Early Learning Program" to "Black Culture Enrichment and College Tour" as the program name for the Fiscal Year 2019-20 Strategic Partnership Award for The Christine Avery Learning Center.

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-185

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE NON-HEALTH-BENEFIT-RELATED INSURANCE POLICIES AND ISSUE PROPERTY CLAIMS-RELATED PAYMENTS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville (City) purchases insurance policies to provide coverage against risk exposures, including but not limited to: excess workers' compensation and liability (general liability, public officials, employee practices, and law enforcement), dam liability, property (vehicles/equipment), crime, cyber, flood, and builder's risk, when necessary; and

WHEREAS, annually, Asheville City Council approves projected insurance premium costs within the City's Workers' Compensation Fund and Property & Liability Fund; and

WHEREAS, the City's Insurance Broker of Record in consultation with the City Risk Manager ensures appropriate insurance policies are obtained from the commercial insurance market and timely renewed to avert lapses in coverage; and

WHEREAS, this resolution authorizes the City Manager to: (1) Purchase non-health-benefit-related insurance policies up to $500,000 per policy; and (2) Pay City property claim-related expenses to repair/replace damaged City assets;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to purchase Property, Casualty, Workers' Compensation and other non-health-benefit-related insurance policies up to $500,000 per policy and issue payments and/or execute property insurance claim-related service contracts to expedite repair and/or replacement of damaged City assets.

Read, approved and adopted this the 23rd day of July, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-186

RESOLUTION APPROVING THE HOUSING TRUST FUND LOAN REQUEST BY HOMEWARD BOUND OF WESTERN NORTH CAROLINA, INC., TO ACQUIRE A PROPERTY AT 296 SHORT MICHIGAN AVENUE IN ASHEVILLE IN ORDER TO ALLOW THEM TO MAINTAIN AFFORDABLE HOUSING UNITS AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, on September 2, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, Homeward Bound of Western North Carolina, Inc., has requested a Housing Trust Fund loan in the amount of $530,000, amortizing at 0% interest with principal deferred for a term of thirty (30) years, for the acquisition of a property located at 296 Short Michigan Avenue in Asheville, NC, in order to rehabilitate and manage eleven (11) existing affordable rental units; and

WHEREAS, the Community Development Staff has determined that the current affordable housing development proposed by Homeward Bound of Western North Carolina, Inc., qualifies for a Housing Trust Fund loan under the current policy; and

WHEREAS, the City Council's Housing and Community Development Committee reviewed the proposal from Homeward Bound at its June 18, 2019, meeting and made its recommendation to City Council to approve the loan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A loan of $530,000 amortizing at 0% interest, for a period of thirty (30) years, with principal deferred until the date of maturity, to Homeward Bound of Western North Carolina, Inc., for the acquisition of a property at 296 Short Michigan Avenue, in order to rehabilitate and manage of eleven (11) existing, affordable rental apartments, to be made immediately available following loan closing is hereby approved. The eleven (11) units are to be restricted to individuals and households earning 60% or less of the Area Median Income (AMI). The affordable units shall have a ninety-nine (99) year affordability period, enforced by a deed covenant in a form acceptable to the City Attorney; and the City Manager is hereby authorized to negotiate and execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 23rd day of July, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-187

RESOLUTION APPROVING THE HOUSING TRUST FUND LOAN MODIFICATION REQUESTED BY SWANNANOA BEND, LLC, FOR AN INCREASE IN FUNDING TO ALLOW THEM TO DEVELOP AFFORDABLE HOUSING UNITS AT THE SIMPSON STREET PROPERTY AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, on September 2, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, on February 23, 2016, Kirk Booth (then d/b/a/ as Beaucatcher Properties, LLC) was awarded a Housing Trust Fund loan by the City Council of the City of Asheville pursuant to Resolution No. 16-39, in the amount of $300,000, amortizing at 2% interest with principal deferred for a term of twenty (20) years, for the production of sixty (60) affordable rental units made available to households at or below 60% of Area Median Income (AMI), including voucher holders (50% of AMI), at the Simpson Street development located at 43 Simpson Street in Asheville, NC; and

WHEREAS, on February 14, 2017, the City Council approved per Resolution No. 17-30, a request from Kirk Booth (now d/b/a Swannanoa Bend, LLC) for the expansion of the Simpson Street project, increasing the Housing Trust Fund loan by $350,000 for a new total loan amount of $650,000 to be repaid under the same terms, and expanding the number of affordable rental units made available to households at or below 60% AMI, including voucher holders (50% of AMI), from sixty (60) to seventy (70); and

WHEREAS, Swannanoa Bend, LLC has requested their Housing Trust Fund loan be increased by a sum of $650,000 due to increases costs caused by the unanticipated need for a more expansive sprinkler system and general rise in construction related costs, in order to complete the project, resulting in a total loan amount of $1,300,000, to be repaid under the same terms; and

WHEREAS, the City Council's Housing and Community Development Committee reviewed the request for an increased Housing Trust Fund Loan from Swannanoa Bend, LLC, at its June 18, 2019, meeting and recommended that City Council to approve the loan modification;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The request for an additional $650,000 to be added to the existing approved Housing Trust Fund loan amount of $650,000 resulting in a total loan amount of $1,300,000, amortizing at 2.0% interest, for a term of twenty (20) years, with principal deferred until the date of maturity, to Swannanoa Bend, LLC, for the development and management of seventy (70) affordable rental apartments at 43 Simpson Street, to be made immediately available following loan closing, is hereby approved. The seventy (70) units are to be restricted to individuals and households earning 60% or less of the Area Median Income (AMI) including voucher holders (50% of AMI). The affordable units shall have a twenty (20) year affordability period, enforced by a deed covenant in a form acceptable to the City Attorney; and the City Manager is hereby authorized to negotiate and execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 23rd day of July, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 19-188

RESOLUTION APPROVING THE HOUSING TRUST FUND LOAN MODIFICATION FOR AN INCREASE IN FUNDS REQUESTED BY WORKFORCE HOMESTEAD, INC. TO ALLOW THEM TO DEVELOP AFFORDABLE HOUSING UNITS AT THE AMARANTH APARTMENTS PROPERTY AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, on September 2, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, on April 10, 2018, Workforce Homestead, Inc. was awarded a Housing Trust Fund loan by the City Council of the City of Asheville as per Resolution No. 18-88 in the amount of $600,000, amortizing at 2.0% interest adjusted amortization to meet a 1.15 debt-coverage ratio with principal deferred for a term of twenty (20) years, for the production of seventy (70) affordable rental units at the Amaranth Apartments Low Income Housing Tax Credit (LIHTC), affordable for thirty (30) years per the program guidelines, development located at 1 Brookside Circle in Asheville, NC; and

WHEREAS, Workforce Homestead, Inc., due to substantial construction cost increases since their original 2017 estimates, has requested their Housing Trust Fund Loan be increased by a sum of $600,000 in order to complete the project, resulting in a total loan amount of $1,200,000, to be repaid under the same terms; and

WHEREAS, the City Council's Housing and Community Development Committee reviewed the request from Workforce Homestead, Inc., for an increase in Housing Trust Fund at its July 16, 2019, meeting, and recommended that City Council approve the loan modification request;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

An additional $600,000 be added to the existing approved Housing Trust Fund loan amount of $600,000 resulting in a principal sum of $1,200,000, amortizing at 2.0% interest adjusted amortization to meet a 1.15 debt-coverage ratio for a term of twenty (20) years, with principal deferred to the date of maturity, to Workforce Homestead, Inc. for the development and management of seventy (70) affordable rental apartments at 1 Brookside Circle, known as Amaranth Apartments, to be made immediately available following loan closing. The seventy (70) units are to be restricted to individuals and households earning 60% or less of the Area Median Income (AMI), including ten (10) restricted at 50% AMI and eighteen (18) restricted at 30% AMI. All units shall have a twenty (20) year affordability period, enforced by a deed covenant in a form acceptable to the City Attorney; and the City Manager is hereby authorized to negotiate and execute any and all documents necessary to give effect to this approval.

Read, approved and adopted this 23rd day of July, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-189

RESOLUTION APPOINTING A MEMBER AND CHAIR TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, due to the passing of Lewis Isaac, Chair and member on the Alcoholic Beverage Control Board, there currently exists an unexpired term until November 13, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Robin Cape, 45 Sunnycrest Drive, Asheville, N.C., be and she is hereby appointed as a member of the Alcoholic Beverage Control Board, to serve the unexpired term of Mr. Isaac, term to expire November 13, 2020, or until her successor has been appointed.

Jan Davis, 31 Graystone Road, N.C., be and he is hereby appointed as Chairman of the Alcoholic Beverage Control Board to serve at the pleasure of City Council.

Read, approved and adopted this 23rd day of July, 2019.

Magdalen Bourneson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourneson
City Clerk

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RESOLUTION NO. 19-190

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING WORKERS' COMPENSATION CLAIMS HANDLING SERVICE AGREEMENT FOR ONE YEAR AND AUTHORIZE THE SERVICES FOR THREE ADDITIONAL CONSECUTIVE YEARS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with PMA Management Corporation (PMA) for the provision of Workers' Compensation Claims Handling Services and seeks to renew the contract for one additional year; and

WHEREAS, historically, the service provision totals approximately $36,000 annually but the contract is encumbered for $70,000 annually; and

WHEREAS, the City of Asheville has the option to renew the above referenced contract for three additional years for a total of five consecutive years; and

WHEREAS, funding for said service provision is included in the current fiscal budget within the City of Asheville Workers' Compensation Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to renew an existing workers' compensation claims services agreement with PMA Management Corporation for a period of one year and the City Manager is authorized to renew subsequent contract terms with PMA Management Corporation to continue to provide workers' compensation claims handling services for up to three additional consecutive years.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-191

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING TRANSIT OPERATIONS AND MAINTENANCE CONTRACT BETWEEN THE CITY OF ASHEVILLE AND ASHEVILLE TRANSIT MANAGEMENT, LLC (RATPDEV USA)

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville budgeted an additional $1,200,000 toward implementation of the 2018 Transit Master Plan in the Fiscal Year 2020 budget; and

WHEREAS, the City of Asheville and Asheville Transit Management, LLC (RATPDev USA) are in the third year of a four-year contract with two optional two-year extensions for the operations and maintenance of the Asheville Redefines Transit System; and

WHEREAS, the existing contract requires that new monthly fixed fees and revenue hour rates be renegotiated when service increases of more than 20% are proposed; and

WHEREAS, the City and Asheville Transit Management, LLC (RATPDev USA) negotiated in good faith to make revisions to the contract, as described in Amendment 1, in order to reflect added service hours, additional staffing resources, new and more stringent performance measures, and to provide general clarifications and updates to contract language; and

WHEREAS, the changes provided in Amendment 1 are intended to improve on-time performance, customer service, and maintenance of the transit fleet;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute Amendment 1 to the Transit Operation and Maintenance Contract between the City of Asheville and Asheville Transit Management, LLC (RATPDev USA).

Read, approved and adopted this the 27th day of August , 2019.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 19-192

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH DUKE ENERGY TO REIMBURSE THE CITY OF ASHEVILLE FOR ELECTRIC BUS CHARGING INFRASTRUCTURE FOR THE PROTERRA ELECTRIC BUSES

WHEREAS, the City of Asheville has authority pursuant to NCGS 160A-11 to contract with third parties as a municipal corporation of the State of North Carolina; and

WHEREAS, Duke Energy is required to spend $3,000,000 to implement environmental mitigation projects in the State of North Carolina to reduce air emissions, either by reducing vehicle emissions or by reducing fossil-fueled electricity generation; and

WHEREAS, Duke Energy has implemented a program whereby local governments and transit agencies may apply for reimbursement of eligible expenses for electric charging infrastructure associated with electric transit buses; and

WHEREAS, The City of Asheville applied for reimbursement from Duke Energy and was granted $200,000 to offset costs associated with the City of Asheville's purchase and installation of 5 electric bus charging units;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a reimbursement agreement with Duke Energy to reimburse the City of Asheville $200,000 for Electric Bus Charging Infrastructure for the Proterra electric buses.

Read, approved and adopted this the 27th day of August, 2019.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-193

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE PURCHASE OF SEVEN TRANSIT BUSES

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, N.C.G.S §143 -129 (g) permits a municipal governing board to waive the requirement to request formal bids for procurement contracts; and

WHEREAS, N.C.G.S §143 -129 (g)(3), states that the governing body of a political division of the State, or the person to whom the authority has been delegated under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies,materials, or equipment from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment to .... any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency.; and

WHEREAS, the Transportation Department has identified transit needs that include bus purchases for FY 2021 and FY 2022; and

WHEREAS, federal funds would assist in the funding of such needs; and

WHEREAS, the local match is currently budgeted in the Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to: Purchase a total of seven (7) new buses for the Asheville Redefines Transit System totaling $3,798,538. This includes authorization to:

1. Execute purchase orders in the amount of $2,107,374 for three (3) 30-foot diesel electric hybrid Gillig buses utilizing the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 in which the City of Asheville is a part;

2. Waive the bidding requirements per NCGS 143-129(g) allowing the City of Asheville to utilize the existing City of Oxford, Mississippi Contract No. 500350 with Alliance Bus Group, Inc. to purchase four (4) Grande West Vicinity diesel buses, assigned by Mississippi State University to the City of Asheville;

3. Execute a purchase order in the amount of $1,451,956 to purchase four (4) Grande West Vicinity diesel buses at the base bid price in the City of Oxford, Mississippi Contract No. 500350;

4. Execute a change order, not to exceed $239,208 to the four (4) Grande West Vicinity buses in order to outfit them with the equipment necessary for the Asheville Redefines Transit System; and

5. Execute a lease agreement with Alliance bus Group, Inc. for the lease of up to five (5) Grande West Vicinity diesel buses between January 2020 and the arrival of the new buses.

Read, approved and adopted this the 27th day of August , 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-194

RESOLUTION AMENDING THE 2019 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The 2019 City Council Meeting Schedule be amended to add an affordable housing workshop on September 6, 2019, at 8:45 a.m. in the Banquet Hall of the U.S. Cellular Center, located at 87 Haywood Street, Asheville, N.C.

BE IT FURTHER RESOLVED THAT:

The formal meeting of the Asheville City Council scheduled on October 8, 2019, is hereby cancelled.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 27th day of August , 2019.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19-195

RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE AN ADMINISTRATIVE CHANGE TO STRATEGIC PARTNERSHIP FUND RESOLUTION 19-142

WHEREAS, the City of Asheville authorizes the City Manager to sign all contracts and grants, after approval by the City Attorney, with designated agencies for the implementation of the Strategic Partnership Fund grants; and

WHEREAS, City Council approved Strategic Partnership Funding for 2019-2020 grant recipients on June 11 2019, as recommended by the Housing and Community Development Committee on March 29 2019;

WHEREAS, an administrative error was made listing the incorrect program name for the award to the Council on Aging Buncombe County whereas the correct program name listing is Benefits Assistance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to correct the program name from "Service Coordinator for the City of Asheville" to "Benefits Assistance" as the program name for the Fiscal Year 2019-20 Strategic Partnership Award for The Council on Aging of Buncombe County.

Read, approved and adopted this the 27th day of August, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-196

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING LIABILITY CLAIMS HANDLING SERVICE AGREEMENT FOR ONE YEAR AND AUTHORIZE THE SERVICES FOR THREE ADDITIONAL CONSECUTIVE YEARS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with PMA Management Corporation (PMA) for the provision of Liability Claims Handling Services and seeks to renew the contract for one additional year; and

WHEREAS, historically, the service provision totals approximately $25,000 annually but the contract is encumbered for $70,000 annually; and

WHEREAS, the City of Asheville has the option to renew the above referenced contract for three additional years for a total of five consecutive years; and

WHEREAS, funding for said service provision is included in the current fiscal budget within the City of Asheville Property & Liability Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to renew an existing liability claims services agreement with PMA Management Corporation for a period of one year and the City Manager is authorized to renew subsequent contract terms with PMA Management Corporation to continue to provide liability claims handling services for up to three additional consecutive years.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

60

RESOLUTION NO. 19-197

RESOLUTION RATIFYING THE RENEWAL OF AN EXISTING SECURITY CONTRACT WITH ALLIED UNIVERSAL SECURITY FOR SERVICES PROVIDED AT PARKS AND RECREATION FACILITIES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on May 6, 2016 the City of Asheville and Allied Universal Security (then US Securities) entered into a contract for security services; and

WHEREAS, services were rendered but unbilled during Fiscal Year 2018-19 and July, 2019 total $70,000; and

WHEREAS, funding for said services is encumbered in the budget within the City of Asheville General Fund; and

WHEREAS, the City of Asheville is insourcing the service, and not renewing the contract for Fiscal Year 2019-20;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Renewal of the contract entered into between the City of Asheville and Allied Universal Security is hereby ratified.

2. The City Manager or their designee is hereby authorized to renew the existing contract through June 30, 2019, and remit payment for services rendered.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-198

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NELSON BYRD WOLTZ

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. sec. 160A to enter into contracts with other entities; and

WHEREAS, Asheville City Council has an adopted goal to develop a plan for Haywood Street land use and implement as appropriate; and

WHEREAS, Nelson Byrd Woltz was the top ranked firm in a competitive Request for Qualifications process;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to authorize a contract with Nelson Byrd Woltz for design services for the Haywood and Page Concept Plan in the amount of $292,000.

Read, approved and adopted this the 27th day of August, 2019.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

62

RESOLUTION NO. 19-199

RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, the terms of Barber Melton, Andy Barnett, Sage Turner and Joe Ikelheimer expire on September 1, 2019; and

WHEREAS, pursuant to Resolution No. 19-63, two additional seats were added to the Affordable Housing Advisory Committee, one of which is a banker/lender with loan and/or commercial experience;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Andy Barnett, 167 Edgewood Road, Asheville, N.C., be and he is hereby appointed to serve a three-year term, term to expire September 1, 2022, or until his successor has been duly appointed.

Sage Turner, 34 Mildred, Asheville, N.C., be and she is hereby reappointed to serve an additional three-year term, term to expire September 1, 2022, or until her successor has been duly appointed.

Joe Ikelheimer, 89 St. Dunstan's Road, Asheville, N.C., be and she is hereby reappointed to serve an additional three-year term, term to expire September 1, 2022, or until her successor has been duly appointed.

Margie Bukowski, 28 Wanoca Avenue, Asheville, N.C., be and she is hereby appointed to serve a three-year term, term to expire September 1, 2022, or until her successor has been duly appointed.

Amber Banks, 89 Langwell, Asheville, N.C., be and she is hereby appointed to serve a three-year term, term to expire September 1, 2022, or until her successor has been duly appointed.

Paul Heathman, 43 W. Chestnut Street, Asheville, N.C., be and he is hereby appointed (banker/lender with loan and/or commercial expertise) to serve a three-year term, term to expire September 1, 2022, or until his successor has been duly appointed.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Bullion
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-200

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, Gretchen Gudites (at-large representative) resigned, thus leaving an unexpired term until June 30, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Jeremy Spielman, 19 Baker Drive, Asheville, N.C., be and he is hereby appointed as a member of the Citizens-Police Advisory Committee (at-large representative) to serve the unexpired term of Ms. Gudites, term to expire June 30, 2022, or until his successor has been appointed.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

64

RESOLUTION NO. 19-201

RESOLUTION APPOINTING MEMBERS TO THE I-26 CONNECTOR AESTHETICS COMMITTEE

WHEREAS, City Council established the ad hoc committee of the I-26 Connector Project Aesthetics Committee on April 24, 2018, to gather information and ideas about treatments that would make the project a cohesive and integrated part of Asheville; and

WHEREAS, it is anticipated that the Committee would serve for about one year and complete their tasks before the final Environmental Impact Statement is released;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Forster de la Houssaye, 60 Pearson Drive, Asheville, North Carolina, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee (to replace Joe Minicozzi) to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Lynn F. Raker, 266 Pearson Drive, Asheville, North Carolina, be and he is hereby appointed a member of the I-26 Connector Aesthetics Committee (to replace Tai Djani) to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-202

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the terms of Bruce Emory (representing transit interests), David Nutter (representing greenway interests), and Terry March (representing bike and pedestrian interests) will expire on July 1, 2019; and

WHEREAS, Rachelle Cox (representing bike/ped interests) and Mary Weber (representing greenway interests) resigned thus leaving two unexpired terms until July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

David Nutter, 169 Flint Street, Asheville, N.C. be and he is hereby reappointed as a member of the Multimodal Transportation Commission (representing greenway interests) to serve an additional three-year term, term to expire July 1, 2022, or until his successor has been appointed.

Lisabeth Medlock, 21 Biltmore Avenue, Asheville, N.C. be and she is hereby appointed as a member of the Multimodal Transportation Commission (representing transit interests) to serve a three-year term, term to expire July 1, 2022, or until her successor has been appointed.

Randy Warren, 29 Forestdale Drive, Asheville, N.C. (currently serving as an at-large representative) be and he is now (representing bike and pedestrian interests) to serve a three-year term, term to expire July 1, 2022, or until his successor has been appointed.

Pat Katz, 61 Finalee Avenue, Asheville, N.C. be and she is hereby appointed as a member of the Multimodal Transportation Commission, to serve (at-large representative) the unexpired at-large term of Mr. Warren, term to expire July 1, 2020, or until her successor has been appointed.

Michael Stratton, 451 Fairview Road, Asheville, N.C. be and he is hereby appointed as a member of the Multimodal Transportation Commission (representing bike and pedestrian interests) to serve the unexpired term of Ms. Cox, term to expire July 1, 2021, or until his successor has been appointed.

Kenneth Armstrong, 44 Highland Street, Asheville, N.C. be and he is hereby appointed as a member of the Multimodal Transportation Commission (representing greenway interests) to serve the unexpired term of Ms. Weber, term to expire July 1, 2021, or until his successor has been appointed.

Read, approved and adopted this 27th day of August, 2019.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYCR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19-203

RESOLUTION NAMING CITY OF ASHEVILLE TENNIS COURT #1 AT ASTON PARK TENNIS CENTER IN MEMORY OF LEWIS ISAAC

WHEREAS, the City of Asheville has a policy for naming City of Asheville Facilities; and

WHEREAS, Lewis Isaac positively impacted the community as a former employee of the Parks & Recreation and the Human Resources departments; and

WHEREAS, Lewis Isaac dedicated his personal and professional life to service in the Asheville community; and

WHEREAS, Mr. Isaac was well respected and admired by the tennis community; and

WHEREAS, in accordance with the City Public Property Naming Policy, the Recreation Advisory Board reviewed the naming request at its meeting on July 8, 2019 and recommended approval by the City Council; and

WHEREAS, on August 27, 2019 at its regular meeting, City Council accepted the request to rename the tennis court for Mr. Lewis, providing the opportunity for public comment; and

WHEREAS, Asheville City Council has determined it would like to memorialize Lewis Isaac's contribution and service to the citizens of Asheville by naming Tennis Court #1 at the Aston Park Tennis Center after him;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Tennis Court #1 of the Aston Court Tennis Center located at 336 Hilliard Ave is named the Lewis Isaac Court in memory of Lewis Isaac.

Read, approved, and adopted this 10th day of September 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-204

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ISSUE A JOINT REQUEST FOR PROPOSAL FOR DEVELOPMENT SERVICES FOR DUKE ENERGY'S GREEN SOURCE ADVANTAGE PROGRAM

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-461, units of local government may enter into agreements with each other in order to jointly exercise any power or function of local government; and

WHEREAS, Duke Energy's Green Source Advantage Program provides the opportunity to support renewable energy development in North Carolina for large business customers; and

WHEREAS, per City Council Resolution No. 18-279, the City established a goal to transition to 100% renewable energy from fossil fuel energy by December 31, 2030; and

WHEREAS, partnering with Buncombe County will increase the requested demand in an effort to attract responsive private suppliers of renewable energy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an interlocal agreement with Buncombe County to issue a joint request for proposal for development services for Duke Energy's Green Source Advantage program.

Read, approved and adopted this the 10th day of September, 2019.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

68

RESOLUTION NO. 19- 205

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST ON THE DATE OF OCTOBER 5, 2019, FROM 1:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville Oktoberfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Asheville Oktoberfest event area, as set forth in Exhibit A, attached.

   The Asheville Oktoberfest event area is within the boundaries of the Roger McGuire Green at Pack Square Park including Court Plaza, and South Spruce Street between the intersections of College Street and Court Plaza.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Asheville Oktoberfest on October 5, 2019, from 1:00 p.m. - 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Asheville Oktoberfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Asheville Oktoberfest event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville Oktoberfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of September 2019.

Magdalen Bulleson
City Clerk

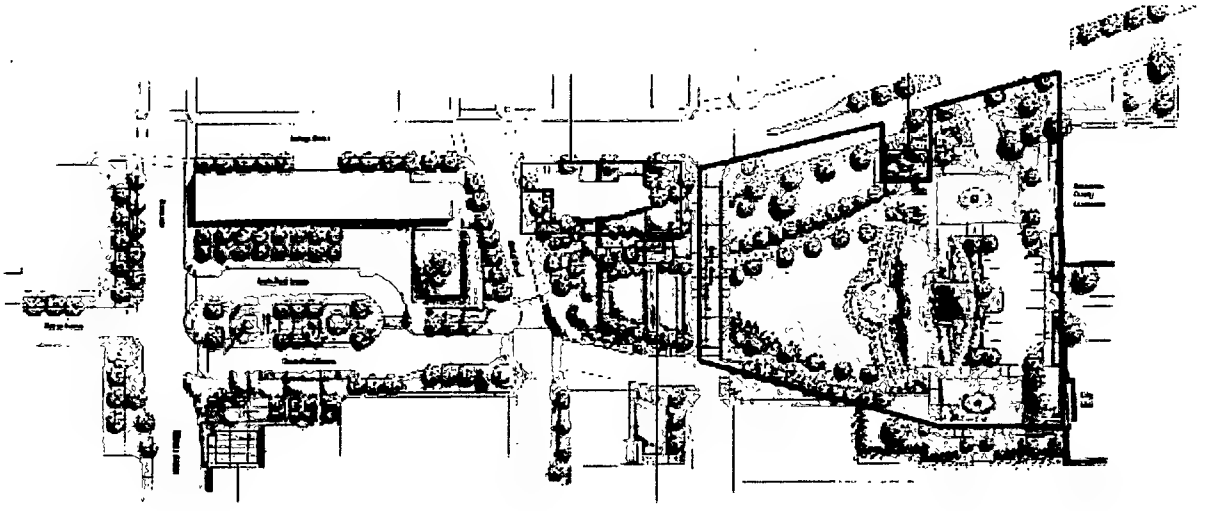
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 19- 206

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE WICKED HALLOWEEN 5K & FUN RUN ON THE DATE OF OCTOBER 19, 2019, FROM 8:00 AM – 2:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Wicked Halloween 5K & Fun Run.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Wicked Halloween 5K & Fun Run event area, as set forth in Exhibit A, attached.

   The Wicked Halloween 5K & Fun Run event area is within the boundaries of Carrier Park.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Wicked Halloween 5K & Fun Run on Saturday, October 19, 2019, from 8:00 a.m. – 2:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Wicked Halloween 5K & Fun Runevent area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Wicked Halloween 5K & Fun Run event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Wicked Halloween 5K & Fun Run, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and

consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 10th day of September 2019.

Magdalen Bronson
City Clerk

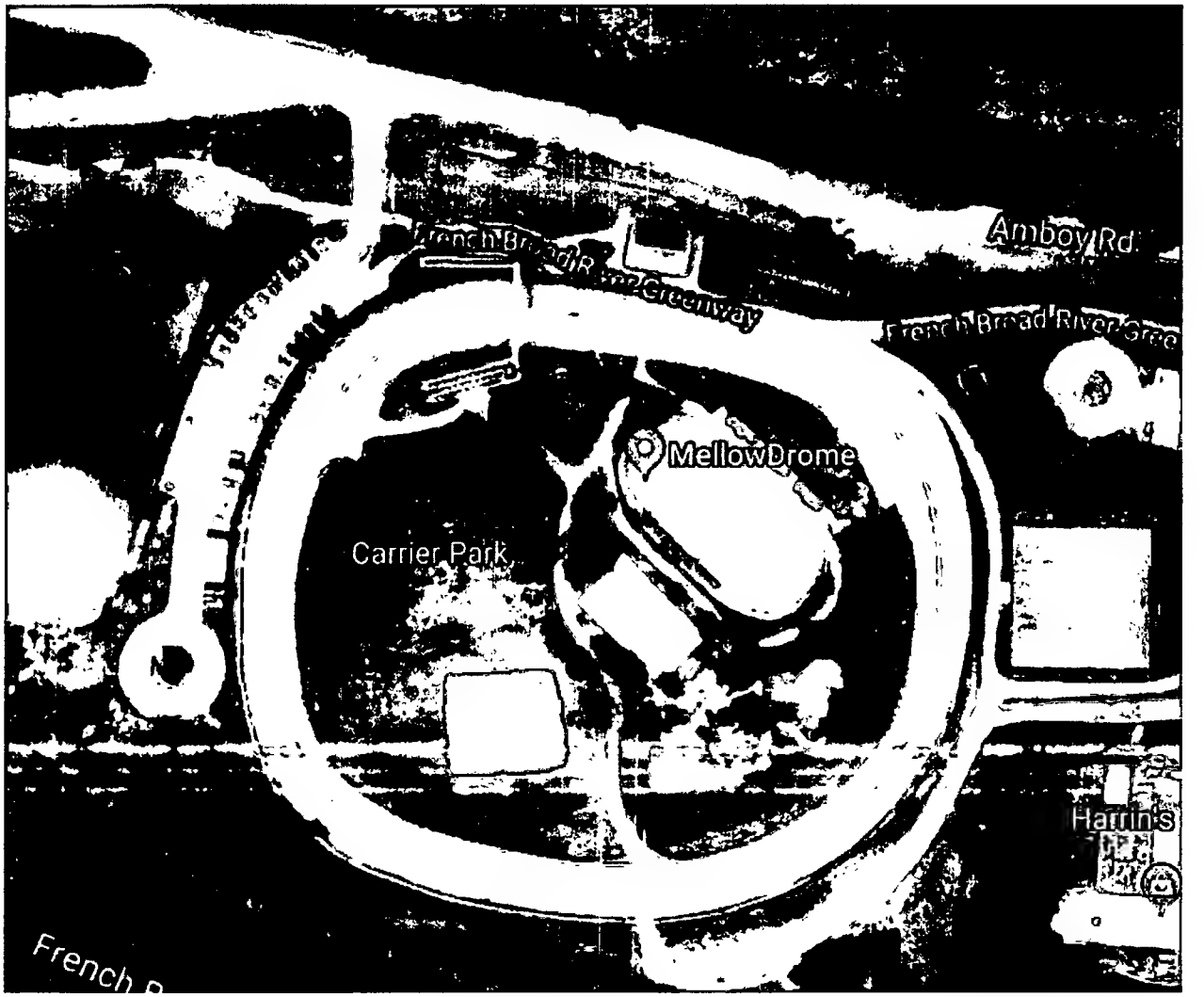
Mayor

Approved as to form:

City Attorney

Magdalen Bronson
City Clerk

EXHIEIT A



Alcohol Area

74

RESOLUTION NO. 19- 207

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT WITH CROWN CASTLE (DBA PINNACLE TOWERS LLC) TO CONTINUE THE CITY'S PRESENCE ON THE TELECOMMUNICATIONS TOWER LOCATED AT SPIVEY MOUNTAIN IN ASHEVILLE AT 1599 SPIVEY MOUNTAIN ROAD

WHEREAS, N.C. General Statutes section 160A-19 and N.C. General Statutes section 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, the City of Asheville has had a presence on this tower since 2001 and utilizes this tower for public safety communications; and

WHEREAS, the City wishes to continue this tenancy on a long term basis with a ten year term plus a renewal of five years; and

WHEREAS, the monthly payments will be $4,083 per month with an escalation rate of 3%;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign a lease amendment between City of Asheville and Crown Castle (dba Pinnacle Towers LLC) and is further authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this the 10th day of September, 2019.

Magdalen Bruleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

RESOLUTION NO. 19-208

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MISSION HOSPITAL ACCEPTING A DONATION TO BE USED FOR THE CONSTRUCTION OF A BUS SHELTER IN THE VICINITY OF LIVINGSTON STREET

WHEREAS, the City of Asheville has authority pursuant to NCGS 160A-11 to contract with third parties as a municipal corporation of the State of North Carolina; and

WHEREAS, The City of Asheville approved a Conditional Use Permit, Findings of Fact and Conclusions of Law, on October 27, 2015 for the 509 Biltmore Avenue Project, otherwise known as the Mission Hospital North Tower Project; and

WHEREAS, As part of the Conditional Use Permit, the following B-1 Condition was approved, stating:

"The Applicant and/or Property Owner, on or before obtaining a certificate of occupancy for the Project, will fund the actual costs, not to exceed $30,000, for the construction of a transit shelter, which may include construction of a concrete pad, as required by the City, on Livingston Street or in the surrounding area. The Applicant indicated on the record that it consents to this condition."; and

WHEREAS, The City of Asheville's plans to improve Livingston Street are currently on hold and therefore no shelter has been constructed thus far; and

WHEREAS, Mission Hospital is nearing completion of the North Tower Project and will be applying for a certificate of occupancy; and

WHEREAS, the Agreement herein states that Mission Hospital will donate $30,000 for the construction of the shelter prior to November 1, 2019 and the City would use the funds to construct a shelter (and associated expenses) and reimburse Mission Hospital in the event that there is funding remaining. The Agreement does not include a deadline for the City to construct the shelter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to 1. Execute an agreement with Mission Hospital accepting a donation of up to $30,000 to be used for the construction of a bus shelter in the vicinity of Livingston Street; and 2. Adopt a budget amendment in the amount of $30,000 in the Transit Capital Projects Fund for the construction of the shelter.

Read, approved and adopted this the 10th day of September, 2019.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 19- 209

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HARRISON CONSTRUCTION DIVISION OF APAC-ATLANTIC, INC. FOR THE CONSTRUCTION OF THE CHARLOTTE STREET ROAD DIET PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Charlotte Street Road Diet project, City of Asheville Project #Q-1531; and

WHEREAS, the Harrison Construction Division of APAC-Atlantic, Inc. was the lowest responsible bidder for the project; and

WHEREAS, the Harrison Construction Division of APAC-Atlantic, Inc. shall provide all labor, materials, and equipment for the project; and

WHEREAS, the amount of the bid is $973,556.10, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Harrison Construction Division of APAC-Atlantic, Inc. in the amount of $973,556.10, for the Charlotte Street Road Diet project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $64,694.

Read, approved, and adopted this the 10th day of September, 2019.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 19- 210

RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR AT-LARGE ELECTIONS FOR THE MEMBERS OF THE CITY OF ASHEVILLE CITY COUNCIL AND SETTING A PUBLIC HEARING ON THE PROPOSED CHARTER AMENDMENTS

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-101 and § 160A-102, the City Council of the City of Asheville ("the City Council") may adopt an ordinance to amend the Charter of the City of Asheville to implement any of the optional forms of government set out in N.C. Gen. Stat. § 160A-101; and

WHEREAS, N.C. Gen. Stat. § 160A-101(6)(a) provides that, with respect to the mode of election of the Council, all candidates for the City Council be nominated and elected by all the qualified voters of the City; and

WHEREAS, the City Council is currently composed of six members and a mayor, with five members nominated and elected from single-member electoral districts, and one member and the Mayor nominated and elected from the City at-large; and

WHEREAS, the City Council intends to consider an ordinance amending the City Charter to provide that all City Council candidates be nominated and elected by all qualified voters of the city; and

WHEREAS, N.C. Gen. Stat. § 160A-102 requires that proposed Charter amendments first be considered during a public hearing, and that due notice thereof be published not less than ten (10) days prior to the date fixed for the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby intends to consider an ordinance amending the Charter of the City of Asheville to provide that all City Council candidates be nominated and elected by all qualified voters of the City as authorized by N.C. Gen. Stat. § 160A-101(6)(a).

2. A public hearing on the proposed Charter amendments is hereby called during the regular meeting of the City Council on the 24th day of September, 2019, beginning at 5:00 p.m. in the Council Chamber on the second floor of the City Hall Building of the City of Asheville.

3. Following the public hearing on the proposed ordinance, the City Council shall consider passage of the ordinance.

4. The City Clerk is hereby directed to publish a notice of said public hearing at least once, not less than 10 days prior to the date fixed for the public hearing, which notice shall contain a summary of the proposed Charter amendments.

Read, approved and adopted this the 10th day of September, 2019

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19-211

RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE THAT ASHEVILLE CITY COUNCIL ELECTIONS BE CONDUCTED BY THE NONPARTISAN PRIMARY AND ELECTION METHOD AND SETTING A PUBLIC HEARING ON THE PROPOSED CHARTER AMENDMENTS

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-101 and § 160A-102, the City Council of the City of Asheville ("the City Council") may adopt an ordinance to amend the Charter of the City of Asheville to implement any of the optional forms of government set out in N.C. Gen. Stat. § 160A-101; and

WHEREAS, N.C. Gen. Stat. § 160A-101(7) provides that, with respect to the conduct of elections of the City Council, such elections may be conducted by the nonpartisan primary and election method in accordance with N.C. Gen. Stat. § 163A-1618 ; and

WHEREAS, the Asheville City Council election is currently conducted by the nonpartisan plurality method, with all City Council members and the Mayor elected pursuant to N.C. Gen. Stat. § 163A-1616; and

WHEREAS, the the City Council intends to consider an ordinance amending the City Charter to provide that all City Council candidates be nominated and elected by the nonpartisan primary and election method pursuant to N.C. Gen. Stat. § 163A-1618; and

WHEREAS, N.C. Gen. Stat. § 160A-102 requires that proposed Charter amendments first be considered during a public hearing, and that due notice thereof be published not less than ten (10) days prior to the date fixed for the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby intends to consider an ordinance amending the Charter of the City of Asheville to provide for nonpartisan primary elections for the members of the Asheville City Council as authorized by N.C. Gen. Stat. § 160A-101(7)d.

2. A public hearing on the proposed Charter amendments is hereby called during the regular meeting of the City Council on the 24th day of September 2019, beginning at 5:00 p.m. in the Council Chamber on the second floor of the City Hall Building of the City of Asheville.

3. Following the public hearing on the proposed ordinance, the City Council shall consider passage of the ordinance.

4. The City Clerk is hereby directed to publish a notice of said public hearing at least once, not less than 10 days prior to the date fixed for the public hearing, which notice shall contain a summary of the proposed Charter amendments.

Read, approved and adopted this the 10th day of September, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19- 212

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT GOOMBAY FESTIVAL ASHEVILLE ON THE DATE OF SEPT. 20, 2019 FROM 5PM-10PM, SEPT. 21, 2019 FROM 10AM-10PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Goombay Festival Asheville, upon successful submittal, review, and approval by city staff of outdoor special event permit application and attachments by Goombay.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Goombay Festival Asheville event area, as set forth in Exhibit A, attached, upon successful submittal, review, and approval by city staff of outdoor special event permit application and attachments by Goombay.

The Goombay Festival Asheville event area is within the boundaries of the approved outdoor special event application.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Goombay Festival Asheville on September 20 from 5 pm-10 pm; and September 21, 2019 from 10:00am-10:00pm.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of

and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Goombay Festival Asheville event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Goombay Festival Asheville event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Goombay Festival Asheville, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated in the approved outdoor special event application, AND by the posting of signs in the event area.

Read, approved and adopted this 10th day of September 2019.

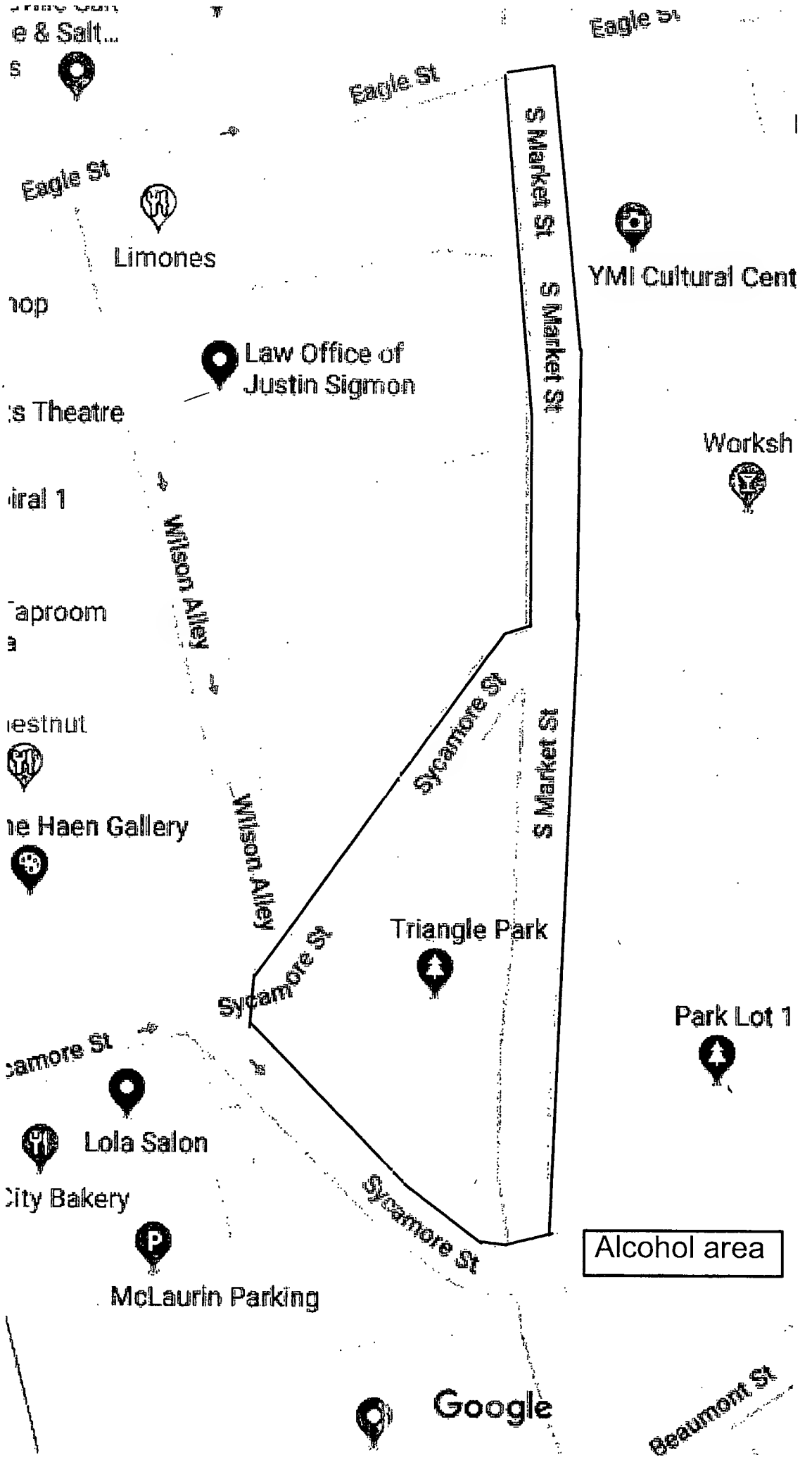
Magdalen Bruneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruneson
City Clerk


Eagle St
S Market St
Limones
YMI Cultural Cent
Law Office of
Justin Sigmon
Worksh
Wilson Alley
Sycamore St
Triangle Park
Park Lot 1
Lola Salon
McLaurin Parking
Alcohol area
Google
Beaumont St

82

RESOLUTION NO. 19- 213

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEVILLE STAFFING TO PROVIDE TEMPORARY STAFFING SERVICES FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville ("the City") has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City continues to require temporary staffing services to support permanent staff, and;

WHEREAS, Asheville Staffing has provided necessary staffing services in FY18-19 with satisfactory results; and

WHEREAS, the City desires to award a contract to Asheville Staffing for temporary staffing services for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a not-to-exceed contract in the amount of $500,000 with Asheville Staffing to provide temporary staffing services for the City of Asheville and further authorizing the execution of any necessary change orders to said contract.

Read, approved and adopted this 24th day of September 2019.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19-214

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY REGARDING FEASIBILITY SITE ASSESSMENTS AND TO ISSUE A JOINT REQUEST FOR PROPOSALS FOR ONSITE RENEWABLE ENERGY SYSTEMS

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-461, units of local government may enter into agreements with each other in order to jointly exercise any power or function of local government; and

WHEREAS, per City Council Resolution No. 18-279, the City established a goal to transition to 100% renewable energy from fossil fuel energy by December 31, 2030; and

WHEREAS, onsite renewable energy systems will support City Council Resolution No. 11-77 to reduce the municipal carbon footprint at a rate of 4% per year; and

WHEREAS, partnering with Buncombe County will increase the number of requested onsite renewable energy systems and may result in lower costs from responsive installers of renewable energy; and

WHEREAS, the City will fund feasibility s te assessments on City owned property in an amount not to exceed $34,682;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an interlocal agreement with Buncombe County regarding feasibility site assessments and to issue a joint request for proposal for on-site renewable energy systems.

Read, approved and adopted this 24th day of September 2019.

Magdalen Bullen
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullen
City Clerk

RESOLUTION NO. 19-215

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE 0.28 ACRES OF PROPERTY ALONG BROADWAY FROM THE N.C. DEPT. OF TRANSPORTATION

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the N.C. Dept. of Transportation has offered to sell two parcels of land totaling 0.28 acres located off of Broadway Street (PIN #s 9649-14-4359-00000 and 9649-14-4386-00000) to the City of Asheville at the appraised value of $70,575;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to execute documents and acquire from the N.C. Dept. of Transportation the real property located off of Broadway Street (PIN #s 9649-14-4359-00000 and 9649-14-4386-00000), upon the approval of the City Attorney. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-216

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY 0.28 ACRES REAL PROPERTY LOCATED ALONG BROADWAY STREET TO REED CREEK GREENWAY PLAZA, LLC SUBJECT TO SPECIFIC AFFORDABLE HOUSING DEED RESTRICTIONS

WHEREAS, the City of Asheville intends to acquire 0.28 acres of real property along Broadway Street from the N.C. Dept. of Transportation (identified as PINs #9649-14-4359-00000 and 9649-14-4386-00000); and

WHEREAS, N.C.G.S. § 160A-456, 157-3 and 157-9.4 permits the City to convey property through private sale wherein the development of a multi-family rental housing project includes at least 20% of the housing units for low-income persons-defined as 60% AMI and below, for at least 15 years; and

WHEREAS, Reed Creek Greenway Plaza, LLC has agreed to purchase the property for the price of $70,575 and subject to an affordable housing deed restriction that requires at least 20% of the total residential units within the master development are available to low-income households at 60% AMI for a period of 30 years and subject to a deed restriction that prohibits the use of the property for short-term rentals for a period of 30 years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, as approved the by City Attorney, to convey real property located at along Broadway Street (PINs # 9649-14-4359-00000 and 9649-14-4386-00000) to Reed Creek Greenway Plaza, LLC subject to specific affordable housing deed restrictions. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this the 24th day of September, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 19-217

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DOWNTOWN DEVELOPMENT AGREEMENT WITH THE KASSINGER DEVELOPMENT GROUP (KDG) DBA HILLIARD PARK, LLC, THE DEVELOPER OF 360 HILLIARD AVENUE, FOR PUBLIC PARKING AND ASSOCIATED IMPROVEMENTS

WHEREAS, pursuant to N.C.G.S. 160A-458.3, the City Council may enter into a Downtown Development Agreement when it has found and determined that a Project is likely to have significant impact on the continued revitalization of the Central Business District of the City in the form of increasing the tax base of the City and serving as a catalyst for further development in the downtown area; and

WHEREAS, City Council approved the sale of a portion of city owned land for an affordable, mixed-income community to be developed by Kassinger Development Group (KDG) dba Hilliard Park, LLC for an affordable, mixed-income community at 360 Hilliard Avenue (zoned CBD) and the offer for Kassinger to construct public parking and associated improvements on the lower portion of 360 Hilliard, retained by the City, at the rear of the adjacent Aston Park Tennis Center; and

WHEREAS, the Project will have significant effect on the revitalization of Asheville's Central Business District in that area by increasing the property tax base and creating affordable housing units; and

WHEREAS, the total project cost for the public parking and associated improvements is $650,000 with the City to contribute $325,000 towards these costs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a downtown development agreement with Kassinger Development Group dba Hilliard Park , LLC for public parking and associated improvements located at 360 Hilliard Avenue, subject to the City Attorney.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19- 218

RESOLUTION TO APPLY FOR THE FISCAL YEAR 2019-20 CONTINUUM OF CARE CONSOLIDATED GRANT APPLICATION AND EMERGENCY SOLUTIONS GRANT REGIONAL APPLICATION AND ACCEPT ANY SUBSEQUENT AWARDS FOR PROJECT FUNDING

WHEREAS, the U.S. Department of Housing and Urban Development will allocate Continuum of Care (CoC) funds to project applicants in the FY 2019-20 Competition; and

WHEREAS, the North Carolina Department of Health and Human Services will allocate Emergency Solutions Grant funds to the City of Asheville in the FY 2019-20; and

WHEREAS, the City of Asheville has agreed to serve as the CoC Collaborative Applicant for the NC-501 Continuum of Care Consolidated Application; and

WHEREAS, the City of Asheville has agreed to serve as the Fiscal Sponsor for the Emergency Solutions Grant Regional Application; and

WHEREAS, the U.S. Department of Housing and Urban Development has made the NC-501 Continuum of Care eligible for $1,238,651 in CoC funding for FY 2019-20; and

WHEREAS, the North Carolina Department of Health and Human Services has made the City of Asheville eligible for $125,971 in ESG funding for FY 2019-20;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville approve the submission of the Continuum of Care Consolidated Application and the Emergency Solutions Grant Regional Application; and

2. Council authorizes the City Manager to sign all necessary contract documents with the US Department of Housing and Urban Development for the Continuum of Care Competition and the North Carolina Department of Health and Human Services for the Emergency Solutions Grant, after approval by the City Attorney, and accept any funds awarded.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Bullock
CITY CLERK

Esther G. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-219

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES CONTRACT WITH EVERBRIDGE, INC. FOR MAINTENANCE AND SUPPORT TO THE CITY OF ASHEVILLE'S EMERGENCY NOTIFICATION SYSTEM.

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160 A of the North Carolina General Statutes to enter into a contract for services with other entities, and

WHEREAS, the City is in need of maintenance and support of the City's Emergency Notification System, and

WHEREAS, Everbridge, Inc. is the sole-source vendor to provide the said maintenance and support in the estimated amount of $30,995.00 for FY 2020 with a locked in rate of $30,995.00 in the subsequent (2) fiscal years with the understanding that funding is project specific and subject to the annual appropriation of funds; and

WHEREAS, the funding is currently allocated within Water General Operating / Water Services Fund, and the General Fund / Fire Technical Services budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville is hereby authorized to execute a general services agreement with Everbridge, Inc., in the amount of $30,995.00 for FY 2020 with a locked in rate of $30,995.00 in subsequent (2) fiscal years, for a total contract amount not to exceed $92,985, with the understanding that funding is project specific and subject to the annual appropriation of funds. The City Manager is further authorized to execute any amendments to said contract which might arise during the term of the contract up to the budgeted amount.

Read, approved, and adopted this 24th day of September, 2019.

Magdalen Bulleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19- 220

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DEC ASSOCIATES, INC. TO PROVIDE FINANCIAL ADVISORY SERVICES FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville ("the City") has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City requires a financial advisor of record for the purpose of reviewing, evaluating, planning, developing, administering, soliciting, structuring, negotiating, and otherwise assisting the City in its financial operations related to governmental and private financing; and

WHEREAS, DEC Associates, Inc. has provided necessary financial advisory services to the City of Asheville since 2014 with satisfactory results; and

WHEREAS, the City desires to award a contract to DEC Associates, Inc. for financial advisory services for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with DEC Associates, Inc. for financial advisory services for the City of Asheville, in the amount of $500,000, as well as any change orders, provided no change order causes the total amount of expenditures to exceed $500,000.

Read, approved and adopted this, the 24th day of September 2019.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19- 221

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN CONTRACT WITH CLARK NEXSEN FOR THE PROJECT KNOWN AS DR. WESLEY GRANT SR. SOUTHSIDE CENTER FOR THE DESIGN OF INDOOR & OUTDOOR RECREATION FACILITIES

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City desires to amend a contract to Clark Nexsen for the design services for the Dr. Wesley Grant Sr. Southside Center; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, Clark Nexsen was chosen through a qualifications based selection process as the most qualified to perform the design services; and

WHEREAS, Clark Nexsen presented a scope of work and fee proposal for professional services associated with the Dr. Wesley Grant Sr. Southside Center project; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Clark Nexsen to provide design services for Dr. Wesley Grant Sr. Southside Center for an amount not to exceed $465,000 and further authorizing the execution of any contract amendments up to 10% ($46,500) to said contract which may arise during said project.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19- 222

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (2004 Sterling LT9500 Dump Truck), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus 2004 Sterling LT9500 Dump Truck ("Dump Truck"), with an estimated wholesale value of $30,000+; and

WHEREAS, the Dump Truck will be advertised on the GovDeals online auction website and upon completion of the auction will be awarded to the highest bidder; and

WHEREAS, to authorize the sale of the Dump Truck, City Council approval is needed; and

WHEREAS, the proceeds of the sale will be revenue for the Water Resources Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the 2004 Sterling LT9500 Dump Truck

2. The Purchasing Manager is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the 2004 Sterling LT9500 Dump Truck.

Read, approved and adopted this the 24th day of September, 2019.

Magdalen Bowerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

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RESOLUTION NO. 19-223

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DOSAN CORP FOR THE RICHMOND HILL PARK PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Richmond Hill Park project, City of Asheville Project X1820 ; and

WHEREAS, the DOSAN Corp., of Indian Trail, NC was the lowest responsible bidder for the project; and

WHEREAS, the amount of the bid is $359,300.00, and funding for the project is allocated within the GO Bond Funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Dosan Corp., in the amount of $359,300.00, for the Richmond Hill Park restroom and picnic shelter project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $35,930 (10%).

Read, approved and adopted this 24th day of September, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-224

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING INSURANCE BROKER OF RECORD SERVICE AGREEMENT FOR ONE YEAR AND AUTHORIZE THE SERVICES FOR ONE ADDITIONAL YEAR

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with Insurance Service of Asheville (ISA) for the provision of Insurance Broker Services and seeks to renew the contract for Fiscal Years 2020 and 2021; and

WHEREAS, Currently, Insurance Broker Services totals $29,900 annually; and

WHEREAS, the City of Asheville has the option to renew the above referenced contract for Fiscal Years 2020 and 2021; and

WHEREAS, funding for said service provision is included in the current fiscal budget within the City of Asheville Property & Liability Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to renew an existing Insurance Broker of Record contract with Insurance Service of Asheville (ISA) for Fiscal Year 2020 and the City Manager is authorized to renew the contract with ISA to continue to provide Insurance Broker Services through June 30, 2021.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19- 225

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE A THREE-YEAR CONTRACT WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA FOR OPERATION OF A HOMELESS STREET OUTREACH PROGRAM

WHEREAS, homelessness is a complex problem with far-reaching community impact, especially for individuals and families who do not have a permanent home; and

WHEREAS, the City of Asheville recognizes a need for a flexible, street level response for those experiencing homelessness who are ineligible for existing outreach programs or who are not connected to any services; and

WHEREAS, Council allocated $150,000 in the adopted Fiscal Year 2019-20 budget for homeless street outreach; and

WHEREAS, Homeward Bound of Western North Carolina has more than ten years of experience and capacity in managing effective homeless street outreach programs that have produced quantifiable results and is the only qualified organization in the community to provide such services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to execute a contract with Homeward Bound of Western North Carolina to provide a homeless street outreach program for a total cost of $150,000, with annual cost not to exceed $50,000 each year for the next three (3) years.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19- 226

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRADLEY & CONNER GRADING CONTRACTORS, INC. FOR THE LAKE CRAIG SEDIMENT REMOVAL PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Lake Craig Sediment Removal Project, City of Asheville Project #SW-19-K1104; and

WHEREAS, Bradley & Conner Grading Contractors, Inc. was the lowest responsive, responsible bidder for the project, and

WHEREAS, Bradley & Conner Grading Contractors, Inc. shall provide all labor, materials and equipment for the grading and removal of sediment and all its associated items; and

WHEREAS, the amount of the bid is $261,244.25 and the monies have been budgeted in the Stormwater Capital Fund; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's MB plan representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $261,244.25 with Bradley & Conner Grading Contractors, Inc. and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $39,186.64 (15%) for a total budget of $300,430.89 for the Lake Craig Sediment Removal project.

Read, approved, and adopted this the 24th day of September 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 19-227

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT, RELEASE, AND INDEMNIFICATION AGREEMENT WITH LONG SHOALS PARTNERS, LLC, AND ISSUE A ONE-TIME PAYMENT

WHEREAS, the City of Asheville in 2005 annexed property located at 291 Long Shoals Road; and

WHEREAS, pursuant to the then-in-effect statutes governing annexation, the City Council approved a plan to extend sanitary sewer services to 291 Long Shoals Road; and

WHEREAS, The current owner of the property, Long Shoals Partners, LLC, wishes to install a much more complex sanitary sewer system on the property than the City originally agreed to install; and

WHEREAS, Long Shoals Partners, LLC has agreed to accept a one-time payment in lieu of the City installing the sanitary sewer lines in the amount of $92,148.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a Settlement, Release, and Indemnification Agreement with Long Shoals Partners, LLC, and issue a one-time payment to Long Shoals Partners, LLC in the amount of $92,148.

Read, approved, and adopted this the 24th day of September 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19- 228

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MEDSTREAM ANESTHESIA FUNDRAISER ON THE DATE OF SEPTEMBER 28, 2019, FROM 5:00 PM – 8:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Medstream Anesthesia Fundraiser.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Medstream Anesthesia Fundraiser event area, as set forth in Exhibit A, attached.

   The Medstream Anesthesia Fundraiser event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Medstream Anesthesia Fundraiser on September 28, 2019, from 5:00 p.m. - 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Medstream Anesthesia Fundraiser event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Medstream

Anesthesia Fundraiser event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Medstream Anesthesia Fundraiser, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of September 2019.

Magdalen Bulleson
City Clerk

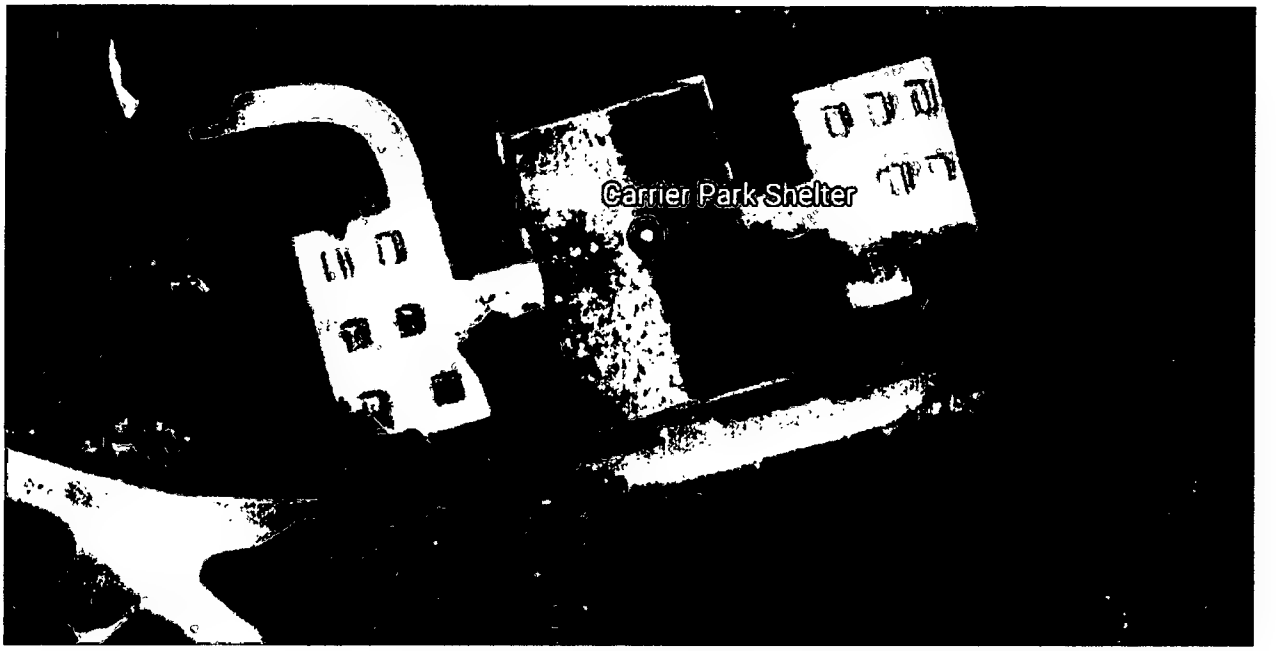
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

EXHIBIT A



Alcohol Area

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RESOLUTION NO. 19-229

RESOLUTION ADOPTING A POLICY ENTITLED "POLICIES FOR IMPLEMENTING AFFORDABLE HOUSING ON CITY-OWNED LAND"

WHEREAS, the "Asheville, North Carolina Housing Needs Assessment" report, published in 2015 and updated in 2019, concluded that the demand for affordable housing in Asheville is high and housing needs continue to grow; and

WHEREAS, the City has previously adopted the "Comprehensive Housing Strategy and Policy Framework" which included the use of City-owned land as development sites for the creation of new affordable housing; and

WHEREAS, the City of Asheville seeks to establish guidelines for the purposes of developing affordable housing on City-owned land;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The policy entitled "Policies for Implementing Affordable Housing on City-owned Land" is hereby adopted and the City Manager is authorized to execute it and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

CITY OF ASHEVILLE

Policies for Implementing Affordable Housing on City-owned Land

Executive Summary

- The vision for affordable housing in Asheville is the development of equitable, inclusive, mixed-income communities that support of a variety of housing types at a variety of price points, both homeownership and rental, for the variety of incomes & wages we produce in Asheville.
- The City of Asheville owns real estate and intends to make certain parcels of land available for sale, lease or donation for the purpose of building affordable, mixed-income communities.

- Procedure 1: The City decides when properties are available for redevelopment.
- Procedure 2: The City obtains appraisals and other due diligence of property it seeks to redevelop.
- Procedure 3: The City selects developers through an open and competitive process (RFQ, or RFQ/P), unless otherwise directed by the Asheville City Council.

- Affordable Housing Baseline #1: When developing City property, it is the City's baseline goal to obtain a minimum of 20% of total units (rental or for-sale) as affordable to and occupied by households at or below 60% Area Median Income, and to accept Housing Choice Vouchers.
- Affordable Housing Baseline #2: When developing City property, it is the City's baseline goal for the affordable housing to maintain an affordability period of at least 20 years, with a strong preference towards an affordability period of 30 years or longer. A recordable enforcement mechanism, such as but not limited to, a deed restriction or some other contractual provision specifying the affordability conditions shall be required.
- Exceeding the baseline: It is the City's strong preference that the development of City property exceed these baselines, where appropriate, and/or offer other community benefits.

- Affordable Housing Financial Incentive: The City may negotiate a sale or lease price at less than fair market value to ensure that affordab e housing goals are met.
- All financial incentives must be demonstrated in a pro forma.
- All funds received from the sale of City land for affordable housing will be designated to be used for affordable housing.

- All City land sales must be carried out in compliance with NC Statutes.

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CITY OF ASHEVILLE

Policies for Implementing Affordable Housing on City-owned Real Property

Origination Date: 9/24/2019

Issued and maintained by: Nikki Reid, Real Estate Program Director

Approved by: _____

Debra Campbell, City Manager

CITY OF ASHEVILLE

Policies for Implementing Affordable Housing on City-owned Real Property

Using publicly-owned land for the development of affordable housing is a national best practice for increasing the availability of affordable housing in high-cost communities. The vision for affordable housing in Asheville is the development of equitable, inclusive, mixed-income communities that support of a variety of housing types at a variety of price points, both homeownership and rental, for the variety of incomes & wages we produce in Asheville. The City of Asheville has identified several City-owned parcels of land that it intends to sell, lease or donate to willing developers for the purpose of building new affordable and mixed-income communities.

The City Council of the City of Asheville has adopted the following policies to facilitate the development of new affordable, mixed income communities on City-owned land. Unless otherwise stated herein, the City Manager, or the Manager's designee, shall be authorized to make final decisions on behalf of the "City" in regard to the specific procedures and criteria to be followed for each City-owned property.

I. Procedures for Available Properties and Selection of Development Partners.

A. Selection of Properties for Development. As property owner, the City will determine if and when a City-owned property is ready for development and under what development parameters. City staff will evaluate properties within the City-owned property inventory and will make a determination on available City properties ready for development. Based on the site, the City may elect to procure additional due diligence, such as environmental site assessments, geotechnical information, surveys, title work, preliminary design concepts, pro forma analysis etc., as needed to better understand the site development opportunities and constraints. Prior to offering the site for development, the City must procure an appraisal to establish the fair market value of the property.

B. Developer Selection Methods. Developer selection will be carried out through an open and competitive process, unless otherwise directed by City Council. City staff is responsible for choosing among three solicitation methods as described below, or a modification or combination thereof, and administering the process as outlined below. Using these methods, RFQs or RFQ/Ps can be issued on a single site or a group of sites.

1. Request for Qualifications (RFQ): The City issues a Request for Qualifications, determines the most qualified developer based on selection criteria as described in the RFQ, and then directly negotiates with the selected developer on a proposed site plan and the terms of sale or lease of the City-owned site. The terms of the transaction must be reviewed by City Council for final approval.
2. Request for Qualifications /Proposals (RFQ/P): The City issues a Request for Qualifications, determines a short-list of most qualified developers based on

selection criteria as described in the RFQ, and then invites the short-listed development teams to submit Development Proposals for the subject site(s). A single development team is then selected to directly negotiate on a final site plan and the terms of sale or lease of the City-owned site. The terms of the transaction must be reviewed by City Council for final approval.

3. Request for Qualifications /Proposals (RFQ/P): The City may choose to issue an "all-in-one" RFQ/P for a specific site. The responses to the RFQ/P will include a Statement of Qualifications as well as a Development Proposal. The City will first determine the qualified developers based on selection criteria as described in the RFQ/P and then evaluate their Development Proposal. The terms of the transaction must be reviewed by City Council for final approval.
4. Content of the RFQ or RFQ / P.
    a) The RFQ or RFQ/P will include, if available: site development guidelines specifying the desired uses, density, public infrastructure goals and parking standards; any goals which the City may choose to include with respect to public benefits. Examples of public benefit include:
        (1) Extends or creates new infrastructure beyond city requirements (greenways, sidewalks, recreation opportunities, etc).
        (2) Permanent affordability such as Community Land Trust models
        (3) Implements key goals of the City of Asheville Equity and Inclusion Plan
        (4) Implements sustainability initiatives of the City
        (5) Implements goals of the Asheville Buncombe Homeless Initiative Strategic Plan
        (6) Other community benefits, as developed on a case by case basis
    b) Based on the complexity of the site, the City may elect to solicit community input and if so, include community input into the RFQ or RFQ/P documents.
    c) If available, the City will include any and all due diligence materials, such as Phase One Environmental Site Assessments, surveys, geotechnical information and other pre-development reports.
    d) The City will develop scoring criteria for evaluation of qualifications and /or proposals based on the best value over a number of factors, including but not limited to developer experience, project approach, financial capacity, affordability component, and alignment with City Council strategic goals, etc.
5. Selection process. City staff will issue the RFQ, or RFQ/P and may conduct appropriate site visits, pre-proposal conferences, etc. City staff will create a short-list of potential developers, interview the shortlisted teams and/or issue a Request for Best and Final Offers.
6. Lease or Purchase and Sale Agreement. Following the developer selection, City staff and the developer will negotiate a development plan and a contract for lease or contract for purchase and sale of the subject site. This contract will be presented to City Council for final review and approval.

C. Unsolicited proposals. The City anticipates that entities may from time to time submit unsolicited offers or proposals for development on City-owned property. Upon receipt of an unsolicited proposal, the City will review it and determine in its sole discretion to proceed in either of two ways:
    1. To reject the proposal and take no further action in that the proposal is not in the best interests of the City, or
    2. To undertake a normal developer selection process for the site in question, utilizing one of the processes identified above. The unsolicited proponent will have the opportunity to submit through the formal process.

D. City Council Discretion. In some cases, the City Council may elect to exempt proposals or properties from the formal process at its sole discretion. Any exemption from this process that results in a formal proposal must be presented to City Council for final review and approval in an open session of City Council and must comply with statutory authority for disposition of city-owned property.

II. Affordable Housing Policy on City-owned Property. When a City-owned property has been identified for affordable housing development, the following policy goals are set forth for the development of affordable, mixed-income communities.

A. Number of Affordable Units & Income Focus. On City-owned properties designated to support the affordable housing program, the baseline goal for affordability is to produce a minimum of 20% of total units as affordable to and occupied by households at or below 60% Area Median Income (AMI), as published by the Department of Housing and Urban Development (HUD) annually for the Asheville Metro Area, and to accept Housing Choice Vouchers. This goal applies to both rental and for sale units.

B. Minimum Length of Affordability. On City-owned properties designated for affordable housing, the baseline goal for the affordability period for the affordable units is at least 20 years from the date of the Certificate of Occupancy with a strong preference for an affordability period of 30 years or longer.

C. It is the City's strong preference that the development of City property exceed these baselines, where appropriate, and/or offer other community benefits. For each RFQ or RFP/Q, the City will encourage proposals to exceed affordability requirements.

D. A recordable enforcement mechanism, such as but not limited to, a deed restriction or some other contractual provision specifying the affordability conditions shall be required as part of the terms of conveyance of any City-owned property subject to this Policy.

III. Financial Incentives for Affordable Housing. In order to achieve the above affordable housing policy goals, the following shall be considered in negotiating the terms and conditions of the sale or lease transaction:

A. Appraised Value of Property: The market value for City properties shall be established by an appraisal performed by a North Carolina licensed appraiser.

B. Transfer of Property at Less than Appraised Value. The City and developer may negotiate a sales or lease price at less than its appraised value to meet and/or exceed affordable housing goals and achieve other public benefits as set forth in the content of the RFQ or RFQ/P as outlined in Section I.B.4. Any reduction in the sales or lease price must be based on the number of affordable units proposed, the per unit subsidy required and additional public benefit improvements as demonstrated by a pro forma analysis of cost. Discount of land is available up to 100% of the value of the land based on the affordability of units and public benefit improvements as demonstrated in a financial pro forma. Proposed development must meet or exceed minimum affordability requirements (number of units, targeted AMI and length of affordability) and demonstrate financial subsidy needed based upon a financial pro-forma. Final sale or lease price will be negotiated based on current appraised value and discounted based on the number of affordable units proposed, per unit subsidy required and other public benefits considerations as applicable to the specific site development. Compliance with this provision does not preclude other financial tools being used for development (i.e. Land Use Incentive Grant [LUIG], Housing Trust Fund [HTF], HOME funds, Development Services Fee Rebates, Housing Choice Vouchers etc).

C. Each City-owned parcel is unique and therefore each transaction is negotiated on a case by case basis and each proposed sale or lease subject to the final approval of the Asheville City Council.

D. Sales Proceeds: Any revenue received as a result of a sale of City land for the purposes of affordable housing shall be designated for affordable housing. This does not apply to properties that were acquired with Enterprise Funds or properties sold for purposes other than to support affordable housing.

IV. Statutory Requirements for City-owned Property Disposition

A. Authority: All real estate transactions are subject to the final approval of the Asheville City Council and must be reviewed in an open session of a regularly scheduled City Council meeting.

B. Compliance with North Carolina Statutes: The disposition of City-owned real property shall be carried out in compliance with the provisions of the North Carolina General Statutes and all applicable laws pertaining to the sale or lease of real property by a municipality.

V. Additional Resources

A. Appendix A. City Council Vision 2036

B. Current City properties identified for affordable housing

Appendix A. Asheville City Council's 2036 VISION

Asheville is a great place to live because we care about people, we invest in our city, and we celebrate our natural and cultural heritage. Our city is for everyone. Our urban environment and locally-based economy support workers, entrepreneurs and business owners, families and tourists, and people of all ages. Cultural diversity and social and economic equity are evident in all that we do. Our neighborhoods are strong, participation in civic life is widespread, and collaborative partnerships are the foundation of our success.

Here's what makes us special.

AN EQUITABLE AND DIVERSE COMMUNITY

Asheville is an inclusive, diverse community. We define diversity broadly, including but not limited to all races, ages, sexual orientations, gender identification, socio-economic backgrounds, and cultural beliefs. We have created an equitable community where everyone can participate and has the opportunity to fulfill their potential because they have access to healthy, affordable food, transportation, quality education, and living wage jobs. Asheville promotes and supports minority business as a means of strengthening our local economy. We use a racial equity lens to review and achieve our city's strategic goals in health, education, housing, and economic mobility.

A WELL-PLANNED AND LIVABLE COMMUNITY

Asheville promotes community through thoughtful, resident-led planning that results in pedestrian oriented development for all ages and abilities throughout the City, harmonized with an integrated transportation system. Asheville's unique character is reflected in our regional planning, land use, preserved in our historic structures, and honored when incorporated in new development. Thoroughfares are lined with thriving businesses mixed with residential and commercial uses. Neighborhoods are safe, socioeconomically diverse, and have a range of affordable housing choices. Open spaces, parks, greenways, community gardens, and edible landscapes are abundant throughout the city.

A CLEAN AND HEALTHY ENVIRONMENT

Asheville continues to be a leader in innovative technologies and conservation efforts in response to global climate change. The City is powered by locally-generated, clean sources of energy, and air quality problems have disappeared. Views of surrounding mountains have regained clarity unknown since the late 1800s. Clean energy is not the only priority when preserving our high quality of life. Recognized as a Tree City USA for decades, streets, greenways,

and parks embody an urban forest. Emphasis on local resilience spurs the use of municipal land for gardening, farming, and urban orchards.

Known as a food destination city, most restaurants serve locally grown foods. Thanks to an extremely high-quality water source nestled in the gentle folds of the Blue Ridge Mountains, Asheville continues to attract companies that depend on clean water - from breweries to high tech start-ups to restaurants and food manufacturers. Our modern transportation system has increased options that reduce carbon emissions. Successful waste, recycling, and curbside composting programs have greatly reduced the city's landfill needs.

QUALITY AFFORDABLE HOUSING

Asheville is a city with abundant housing choices for people at all economic levels and stages of life. Chronic homelessness is a thing of the past and rapid rehousing strategies abound thanks to an effective network of service providers. Housing is affordable not only because of reasonable prices but also because of low energy and transportation costs. Innovative and historic housing options, from tiny homes and co-housing to apartments and single-family homes, are available throughout the city. Asheville's former public housing communities have been transformed into a diverse mix of affordable and market rate homes within vibrant neighborhoods.

TRANSPORTATION AND ACCESSIBILITY

Whether you drive a car, take the bus, ride a bike or walk, getting around Asheville is easy. Public transportation is widespread, frequent, and reliable. Sidewalks, greenways, and bike facilities get us where we want to go safely and keep us active and healthy. It is easy to live in Asheville without a car and still enjoy economic, academic, and social success.

A THRIVING LOCAL ECONOMY

Asheville is unique in its locally-focused economy. Our local businesses are vibrant and, no matter where you are in the city, you see a diversity of customers, employees, and business owners. Our historic buildings are home to funky, eclectic businesses that reflect the character of the city, and a creative economy of artists, makers, and innovators is thriving.

As an employer, the City values its workers by paying living wages and offering benefits that ensure both security and opportunity. Businesses of all types that share those values locate, start, and grow in Asheville, offering a wide range of career opportunities and economic mobility. Plentiful educational options, workforce development, access to capital, economic incentives, and a culture that values homegrown businesses make our economy strong. Our public and private partners have demonstrated a unity of purpose. If you do your part, you will find opportunity for success.

A CONNECTED AND ENGAGED COMMUNITY

We pride ourselves on building and growing partnerships – with regional and state governments, nonprofits, the private sector, and neighborhood associations to name a few - to achieve our vision. If you live, work, or play here, you want to be involved and you have a voice. When you join a citizen board or commission, the City provides training and support. Diverse interest

groups work together to tackle problems, and neighborhood engagement enables residents to express thoughts, visions, and concrete plans that build a collective and harmonious community. City leaders, officials, and staff members are trusted. City government is transparent, and we use the latest technologies and methods to communicate with, engage, and empower community participants. When you live in Asheville, you belong and are valued.

A FINANCIALLY RESILIENT CITY

Asheville has an AAA bond rating. We use our debt capacity and revenue wisely in order to maintain and improve the City's infrastructure and invest in our public employees. We strive to control our costs and still provide the highest possible level of service. We have a diverse revenue base that enables us to plan far into the future and to benefit from our growth. Our individual and corporate citizens generously invest in our community through partnerships and public/private projects that enrich the quality of life in the city.

#

Appendix B. Current properties identified in the affordable housing program

Address	Acreage	Status	Land Use
427 Broadway	0.38 acres	Sold	Multi-family, Mixed Use, Rental
9999 State Street	0.18 acres	Under contract	Access for MHO single family development
360 Hilliard Ave	0.80 acres	Under contract	Multi-family, Residential, For Sale
29 Oak Hill Drive	3.71 acres	Feasibility Analysis	Multi-family, Hard to House, Rental
319 Biltmore Ave	5.5 acres	RFQ Forthcoming	Multi-family, Mixed Use, Rental
91 Riverside Drive	1.5 acres	RFQ Forthcoming	Multi-family, Mixed Use, Rental
171-179 S. Charlotte Street	7.57 acres	Feasibility analysis	Multi-family, Mixed Use, Rental
Cedar Hill	16.5 acres	RFQ Forthcoming	Single family, Multi-family, Mixed Use, Rental and For Sale
TBD: City-owned single family lots	various	Feasibility analysis	Single family, For Sale
TBD: Barlett Avenue	Portion of 5.73 acres	Under consideration	TBD
TBD: Asheland Avenue	1.09 acres	Under consideration	TBD

RESOLUTION NO. 19-230

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the term of Jim Muth, as a member of the Buncombe County Tourism Development Authority, (owner or operator of a hotel, motel, bed & breakfast, or vacation rental management company with less than 100 rental units), will expire August 30, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

James Poole, 128 Florence Street, Asheville, N.C., be and he is hereby appointed, as a member of the Buncombe County Tourism Development Authority (as the owner or operator of a hotel, motel, bed & breakfast, or vacation rental management company with less than 100 rental units), to serve a three year term, term to expire August 30, 2022, or until his has been appointed.

Read, approved and adopted this 24th day of September, 2019.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

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RESOLUTION NO. 19-231

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAMS OF THE U. S. DEPARTMENT OF JUSTICE FOR THE 2019 EDWARD BYRNE JUSTICE ASSISTANCE GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the City of Asheville receives an annual opportunity to apply for a United States Department of Justice (DOJ), Edward Byrne Justice Assistance Grant; and

WHEREAS, the DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a grant of $60,531, with $47,573 allocated to the APD and $12,958 allocated to the Buncombe County Sheriff's Office (BCSO) via equitable distribution; and

WHEREAS, the APD will use the funds to pay for officer overtime related to the interdiction of National Incident Based Reporting System (NIBRS) Group "A" Offenses, and the BCSO will use the funds to purchase Ballistic Helmets and Armor System;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply, and if awarded accept and enter into an agreement with the U.S. Department of Justice for an Edward Byrne Justice Assistance Grant in the amount of $60,531, with the expectation that $47,573 will be allocated to the Asheville Police Department, and $12,958 will be equitably distributed to the Buncombe County Sheriff's Office.

Read, approved and adopted this the 22nd day of October, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-232

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT FOR AUTOMATIC AID SERVICE BETWEEN THE CITY OF ASHEVILLE AND REEM'S CREEK FIRE DEPARTMENT

WHEREAS, the City of Asheville has authority to contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in; and

WHEREAS, the City of Asheville has a need to strengthen its standard of fire response cover in Beaverdam Valley and provide for automatic aid response, and

WHEREAS, the City Council approved a resolution authorizing the mayor to sign an automatic aid service agreement with Reem's Creek Fire Department on August 13, 2013, and

WHEREAS, the agreement is up for its annual renewal at a cost of $91,458.98, and

WHEREAS, the City wishes to continue the automatic aid agreement with Reem's Creek Fire District for response within the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign for the renewal agreement for automatic aid service between the City of Asheville and Reem's Creek Fire Department at a cost of $91, 458.98 in FY19-20.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19- 233

RESOLUTION AUTHORIZING A LEASE AGREEMENT AND ASSOCIATED EQUIPMENT MEMORANDUM OF UNDERSTANDING ('MOU') BETWEEN THE CITY OF ASHEVILLE AND DEWINE SEEDS - SILVER DOLLAR BASEBALL LLC FOR CITY-OWNED PROPERTY AT 30 BUCHANAN PLACE

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for such terms and conditions as the council sees fit, for periods of up to 10 years; and

WHEREAS, the City of Asheville is the owner of real property located on Buchanan Place identified as PIN #96484785660000; and

WHEREAS, the City of Asheville agrees to lease to DeWine Seeds- Silver Dollar Baseball LLC., the McCormick Field facilities and Buchanan Place/McCormick parking lot, for a term of two years; and

WHEREAS, DeWine Seeds-Silver Dollar Baseball LLC has agreed to pay a rental rate of $1.00/year and to provide in-kind services in the form of include staffing, the care, maintenance of the field and the day-to-day operations of McCormick Field, and payment of all utilities; and

WHEREAS, DeWine Seeds-Silver Dollar Baseball LLC will be allowed to use City equipment (i.e. mowers, etc.) for maintenance of the lease premises at no cost per the terms of a Memorandum of Understanding to be entered into at the same time as the lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between the City of Asheville and DeWine Seeds-Silver Dollar Baseball, LLC for real property located at 30 Buchanan Place, PIN #964847856600000, known as McCormick Field. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NC. 19-234

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2019 GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the Federal Government, and to enter into contracts for the administration of said grants; and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has preliminarily determined that the City of Asheville is eligible to receive a grant of $285,416.00 to act as fiduciary for the Asheville High Intensity Drug Trafficking Areas (HIDTA) program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the Executive Office of the President, Office of National Drug Control Policy, for a grant in the amount of $285,416, to act as fiduciary for the Asheville HIDTA.

Read, approved and adopted this the 22nd day of October, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-235

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY TO SUPPORT THE AFRICAN AMERICAN NEIGHBORHOOD HISTORIC MARKERS PROJECT

WHEREAS, pursuant to 160A-461 units of local government may enter into agreements with each other in order to jointly exercise any power or function of local government; and

WHEREAS, the City of Asheville honors the heritage of its historically African American neighborhoods of the Burton Street Community, East End, Southside, and Shiloh; and

WHEREAS, the City staff provided technical support for this historic marker project that was funded and administered by Buncombe County and created by the neighborhood associations; and

WHEREAS, the City will commit to the long term maintenance of these historic markers that are located within the City's right of way, or for which the City has or will obtain easements pursuant to NCGS 160A-240.1, through the Transportation Department. Estimated costs are $1,400 per sign and will only be spent if replacement is needed ; and

WHEREAS, the content, location and placement have been reviewed and approved by the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an Interlocal Agreement with Buncombe County to support the African American Neighborhood Historic Markers Project and is further authorized to execute any easements or other documents necessary to give effect to this resolution.

Read, approved and adopted this the 22nd day of October, 2019.

Magdalen Bullock
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-236

RESOLUTION AUTHORIZING THE PROCUREMENT OF VIDEO DISPLAY EQUIPMENT FOR THE U.S. CELLULAR CENTER FROM VENDOR DAKTRONICS INC AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO ACCEPT FUNDS FOR THIS EQUIPMENT WITH THE EASTERN BAND OF CHEROKEE INDIANS (EBCI) AS PART OF THE APPROVED NAMING RIGHTS AGREEMENT

WHEREAS, N.C.G.S. 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129 (e) states that the governing body of a political subdivision of the State may approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, standardization and compatibility is an overriding consideration for selecting Daktronics Inc. brand for handheld Video Display Equipment for use at the US Cellular Center, since Daktronics brand equipment is used by eight of the ten SoCon institutions in their basketball operations, as well as by UNC Asheville, and Daktronics brand equipment has specifically been requested by the Southern Conference, hosted annually in March at the US Cellular Center because efficiencies will be created by standardization of equipment at their tournament site; and

WHEREAS, $500,000 in funds for the purchase of this equipment will be allocated from a contract with EBCI as part of the approved new naming rights agreement for the civic center and the remainder will come from the previously approved Ticketmaster Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby authorizes the procurement of Video Display Equipment as permitted under N.C.G.S. 143-129 (e) (6) for the reason of standardization from vendor Daktronics Inc. and further authorizes the City Manager to execute a Sponsorship Agreement with EBCI to accept funds for the purchase of this equipment.

Read, approved and adopted this the 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-237

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH VHB INC. TO CONDUCT A CORRIDOR STUDY FOR BILTMORE AVENUE AND MCDOWELL STREET

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, statements of qualifications were solicited for the planning project; and

WHEREAS, the City determined that the team led by VHB is the most qualified to perform the work; and

WHEREAS, a scope of work will be approved by staff that will clarify the necessary work that will not exceed $200,000; and

WHEREAS, the final product will assist in the Council goal of transportation and accessibility and to create a well-planned and livable community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with VHB Inc. for an amount not to exceed $200,000. The City Manager is further authorized to execute change orders to the contract up to the budgeted amount.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-238

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH CAROLINA TRACTOR & EQUIPMENT FOR SERVICES RELATED TO THE REPAIR AND MAINTENANCE OF CITY VEHICLES AND EQUIPMENT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with Carolina Tractor & Equipment for the provision of services related to the repair and maintenance of vehicles and equipment; and

WHEREAS, the City of Asheville desires to increase the annual contract value for the above-referenced contract from $300,000 to $500,000; and

WHEREAS, funding for said work is included in the budget and the Fleet Management Division would utilize funds from the operating budgets of the departments that are receiving the services provided by Carolina Tractor & Equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an Amendment to the Agreement for the Services on behalf of the City of Asheville with Carolina Tractor & Equipment to increase the annual contract value from $300,000 to $500,000 for services related to the repair and maintenance of vehicles and equipment and further authorized to execute any change orders to said Agreement which may arise during performance of said work up to the annual budgeted amount of $500,000.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 19- 239

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS LENNOX COURT AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR NOVEMBER 26, 2019

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way known as Lennox Court; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way known as Lennox Ct, described as follows: Beginning at a point on Hillside St 186 ft from Charlotte St proceeding north for 154 ft and 20 ft wide contained within the property of the Jewish Community Center PIN # 9649-54-9873.

2. A public hearing on the question of permanently closing an unopened right-of-way Known as Lennox Ct, is hereby called for on November 26, 2019, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on November 26, 2019.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley known as Lennox Ct. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19- 240

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS LANCE LN / POND ST AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR NOVEMBER 26, 2019

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way known as Lance Ln / Pond St. ; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way known as Lance Ln / Pond St, described as follows:

RIGHT OF WAY CLOSURE AREA
PORTION OF LANCE LANE AND PORTION OF UN-NAMED ALLY
AS PER PLAT BOOK 1 PAGE 63

Being a tract of land in the City of Asheville in the County of Buncombe in the State of North Carolina and being more particularly described as follows:

Beginning at a 5/8" rebar, flush with grade, said rebar being the northwestern corner of Lot 7, Block 25 of Plat book 1 Page 63, in the southern, North Carolina Department of Transportation, hereon referred to as NCDOT, right of way line of Long Shoals Road; said rebar lies S 80°26'39 W 25.19' from a NCDOT concrete monument in said right of way line; said concrete monument lies S 80°26'39 W 118.18' from a magnetic nail found; said nail being the northeastern corner of Lot 1, Block 25 of afore mentioned plat; thence from said POINT OF BEGINNING thus established, with the common boundary of Lance Lane and Lot 7, S 3°27'13" W 157.36' to a 5/8" rebar, flush with grade; said rebar being the southwestern corner of Lot 7; thence with the southern boundary line of Lots 7, 5, 3 and 1, and the common northern boundary line of an un-named ally bisecting Block 25, N 80°32'12" E 177.48' to a 1/2" rebar, 0.3' above grade, said rebar having North Carolina grid coordinates of N 649672.73, E 949695.15; said rebar being the southeastern corner of Lot 1 and lying on the western boundary line of Lover Lane's 45' right of way line as per the afore mentioned plat: said rebar lies S 80°24'44" W of a 5/8" rebar with a "HUTCHISON-BIGGS' cap, flush with grade; said cap being the southwestern corner of Lot 17, Block 24 of the afore mentioned plat; thence with the western boundary of said Lovers Lane S 7°59'38" E 14.96' to a rebar with a "MCABEE" cap, 0.1' above grade; said rebar being the northeastern corner of Lot 2, block 25 of the afore mentioned plat; said iron lies N 8°22'43" W 150.01' from a rebar with a "MCABEE" cap, flush with grade; thence with the northern boundary of Lots 2, 4, 6 and 8, Block 25 of the afore mentioned plat and the common boundary line of the southern margin of un-named ally mentioned before, S 80°32'15" W 180.50'to a rebar with a "MCABEE" cap, flush with grade; said rebar being the northwestern corner of Lot 8 and in the eastern right of way line of Lance Lane; thence with the common line of Lance Lane and Lot 8 S 3°26'14" W 153.93' to a rebar with a "MCABEE" cap, 0.1' above grade; said rebar being the southwestern corner of Lot 8 and in the northern boundary of the 63' right of way of Trade Street as per the afore mentioned plat; thence S 80°31'16 W 61.88' to an unmarked point in the eastern boundary line of Deed book 5300 Page 462; said point being on the western boundary line of Lance Lane; said

unmarked point lies N 6°06'46" E 188.68' from a 3/4" open iron pipe, 1.8' above grade; said iron being the southeastern corner of Deed book 5300 Page 462; thence with the eastern boundary line of Deed book 5300 Page 462 and the common western boundary line of Lance Lane N 6°06'46" E 329.90' to an unmarked point in the southern margin Long Shoals Road; said point lies N 79°44'24" E 303.24' from a NCDOT right of way disk; thence with the southern right of way of Long Shoals Road N 79°44'24" E 46.25' to the POINT OF BEGINNING. Containing 0.46 ac.

2. A public hearing on the question of permanently closing an unopened right-of-way known as Lance Ln / Pond St., is hereby called for on November 26, 2019, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on November 26, 2019.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley known as Lance Ln / Pond St. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 22th day of October, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 19 - 241

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE ARCHER COMPANY, LLC FOR A CLASSIFICATION AND COMPENSATION STUDY

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City issued a Request For Proposals (RFP) for a consultant to conduct a classification and compensation study; and

WHEREAS, after reviewing the Responses to the RFP submitted by the offerors, City staff recommends that the City enter into a contract with The Archer Company to conduct a classification and compensation study; and

WHEREAS, City staff recommends the execution of a contract with a term of one (1) year to said contract upon mutual approval of the parties; and

WHEREAS, the contract effective date shall be October 1, 2019; and

WHEREAS, the contract value shall not exceed $150,000 for the term of the contract; and

WHEREAS, the monies for the initial term of this contract have been budgeted in the Human Resources Department Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and enter into a contract on behalf of the City of Asheville with The Archer Company, LLC and further authorized to execute said contract for a total expenditure of $150,000 and to execute any necessary change orders to said contract.

Read, approved and adopted this the 22 day of October, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-242

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH WNC LANDSCAPING, LLC. FOR THE PROJECT KNOWN AS FISCAL YEAR 2019 DOWNTOWN CLEANING

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 19 Downtown Cleaning; and

WHEREAS WNC Landscaping, LLC of Cedar Mountain, NC has performed to the satisfaction of the City; and

WHEREAS, the project involves the Cleaning of City Owned Sidewalks in the CBD; and

WHEREAS, the amount of the extension is $226,202.00 plus a 15 % contingency of $33,930 ($260,132.00 total) and the monies have been budgeted in the Public Works 2019-2020 Fiscal Year Budget; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Coordinator with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville an extension in the amount of $226,202.00 plus a 15 % contingency of $33,930 ($260,132.00 total) with WNC Landscaping, LLC for the project known as FY 19 Downtown Cleaning.

Read, approved and adopted this the 22th day of October 22, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTICN NO. 19-243

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH B.H. GRANING LANDSCAPES INC. FOR THE PROJECT KNOWN AS OLD TOLL ROAD SLIDE STABILIZATION

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Old Toll Road Slide Stabilization; AND

WHEREAS B.H. Graning Landscapes, Inc. of Sylva, NC was the lowest responsible bidder for the project; and

WHEREAS B.H. Graning Landscapes, Inc. shall provide all labor, materials and equipment for the construction of the stabilized slope and reconstruction of Old Toll Road; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Coordinator with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract in the amount of $485,453.48 plus a 15 % contingency of $72,818 ($558,271.48 total) with B.H. Graning Landscapes, Inc. for the project known as Old Toll Road Slide Stabilization.

Read, approved, and adopted this the 22th day of October 22, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION 19- 244

RESOLUTION REPEALING AND REPLACING THE FEE GRANT PROGRAM FOR AFFORDABLE HOUSING DEVELOPMENT ADOPTED BY RESOLUTION NO. 17-226 WITH A NEW, STAND ALONE AFFORDABLE HOUSING FEE REBATE PROGRAM

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including funds for housing for low and moderate income persons; and

WHEREAS, the Fee Grant Program for Affordable Housing provides incentive grants for the development of affordable housing; and

WHEREAS, the Asheville City Council first adopted an Affordable Housing Fee Rebate Program as part of a broader Land Use Incentive Grant (LUIG) Policy to incentivize the development of affordable housing in March 2011. The Council directed that the LUIG, including Fee Rebates, be reviewed yearly after its adoption. The most recent Fee Rebate Policy was adopted on October 3, 2017 per City Council Resolution No. 17-226; and

WHEREAS, the City's Land Use Incentive Policy has recently been updated and City's Community Development Staff has developed, in coordination with the Development Services Dept., Sustainability Dept., and Community Stakeholders and Developers, a new stand alone Fee Rebate Policy with the goal of more successfully encouraging the development of affordable housing; and

WHEREAS, the new Fee Rebate Policy was reviewed a recommended for approval by the City's Affordable Housing Advisory Committee, Finance and HR Committee, and Housing and Community Development Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby approves the adoption of the new Affordable Housing Fee Rebate Program as shown on Exhibit A, attached hereto and incorporated herein by reference, and this new rebate program shall replace and supersede the prior Fee Rebate Grant adopted by Resolution No. 17-226 and the Council further authorizes the City Manager take any action necessary to implement this program.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

City of Asheville Fee Rebate Policy for Affordable Housing & Sustainability

These policies and procedures were adopted by the Asheville City Council by Resolution No. 19-244 on October 22, 2019.

*****

Thank you for your interest in building and maintaining sustainable affordable homes for the households and families in Asheville. If you feel you qualify for a Fee Rebate based on this policy of affordability & sustainability, please submit an Application of Intent to DSD. Please see instructions for this under **Application Procedures**. This application should be submitted prior to or concurrently with the project's initial development application.

Please note that 100% of development fees must be paid upfront at the time of submittal and are rebated upon verification. In addition, this Application of Intent will trigger an **Expedited Review** from the Development Services Department (DSD) as long as the project meets qualifications.

By partnering with the City of Asheville, we hope to assist all developers fulfill their mission as well as ours by keeping Asheville a vibrant, sustainable and affordable place to live. If you should have any questions, or are interested in getting an estimate on savings for building affordable or energy efficient units, please contact:

Ben Woody
Director of Development Services (DSD)
City of Asheville
828.251.5679

FEE REBATES - Affordable Housing

Each qualifying affordable unit based on the requ rements below will be eligible to receive a minimum of a 50% rebate of Development Fees. The City of Asheville will provide the grant to be rebated after the affordable unit(s) receives a certificate of occupancy & the income qualified tenant or homeowner occupies the unit and is verified by the City's Community Development Department.

Community Department contact for more information or questions:

Paul D'Angelo
Community Development Program Director
City of Asheville
828.251.4098

Affordable Housing Minimum Requirements to Qualify for 50% grant rebate on the affordable unit

- The proposed development must be within Asheville City limits.
- A rental project must serve individuals and households under 80% AMI for a minimum of 20 years.
- An Ownership project must serve individuals and households making under 80% AMI.
- A project can be either new construction or rehabilitation. The rehabilitation or redevelopment of a unit must be rented or sold serving the same or lower AMI individual or family as the original unit.
- At least 20% of the units (minimum of at least two affordable units) in the development must be affordable to qualify for the grant rebate, either rental or for sale.

In addition to the above, a grant rebate may be up to 75% on the affordable unit if -

- A rental project serves individuals and households under 60% AMI for a minimum of 20 years, or
- An ownership project sells to individuals and households making under 60% AMI, or
- 20% of the units are Universally Designed to make them accessible to all people, regardless of age, disability or other factors. Link here for more information as recommended by the North Carolina Housing Finance Agency (NCHFA).

In addition to the above, a grant rebate may be up to 100% on the affordable unit if -

- Developers offer permanent affordability in rental homes, or
- Developers offer permanent affordability on a for sale product, such as a Community Land Trust, or
- Affordability where at least 20% of the units target individuals & families under 30% AMI or those homeless or in danger of being homeless, i.e. taking an individual or family off the Homeless By-name List.

Area Median Income and Department of Housing & Urban Development (HUD) Resources

- Click here for "Appendix 1" for the Area Median Income (AMI) for the Asheville Metropolitan Area published annually by the Department of Housing & Urban Development
- For a For-sale product, Fee Rebates will be granted for Home prices that are at or below the suggested Department of Housing and Urban Development (HUD) HOME purchase price limit published annually and sold to income qualifying individuals or families. Those limits can be found here.

Eligible Development Fees for Rebate for Affordable Housing:

- Planning and Zoning
- Site Development
- Building Safety (plan review and permit fees)
- Fire
- Water Service Connection

Ineligible Development Fees for Rebate:

- Homeowner Recovery

- Reinspection or Resubmittal
- Technology
- Temporary Certificate of Occupancy
- Western North Carolina Air Quality Agency

Additional Guidance & Underwriting

For Sale Price: The eligibility for for-sale units shall be based on the purchase price of the unit with evidence of a closing statement and verified income eligibility of the buyer pursuant to City underwriting process. Households must have an annual income of 80% AMI or less depending on the Fee Rebate requested to qualify, with household expenses, including mortgage, taxes & insurance, totaling no more than 33% of the total gross household income.

Housing Types: All housing types will be considered, including rental units and homeownership units, condos, townhomes & single family homes. Other housing types may be considered upon request.

Post-Award: Compliance & Reporting

- Verification of income at initial lease-up is required, but no additional verification outside of the annual report is required as long as the qualified tenant remains in residence in the unit.
- An annual report to the City, providing both a complete rent roll, unit #, income and household size of income qualified tenants, is required. The City of Asheville's Community Development Department can assist if needed.
- When leases for qualified units terminate, the units must be leased to income-qualified tenants, with verification of income required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented (known as Appendix 1).
- For lease renewals, the rent can not increase by more than 2.5% annually and must remain under that renewal year's current AMI rent guidelines as published in Appendix 1.
- The affordable unit must be made available within 60 days of the termination of the previous tenancy.
- The City of Asheville may, upon 10 days written notice, inspect the rent roll and household income verification records on site.
- If the project is out of compliance, it will have 30 days to cure the non-compliance.
- If the project remains out of compliance after 30 days, then the Fee Grant will become null and void and the previous fee grant funds awarded must be returned to the City within 60 days plus an additional 10%.

FEE GRANTS - Sustainability

The Sustainability Office offers **residential** building permit fee rebates for single family homes only to support a clean and healthy environment for the following:

Sustainability Rebate	Sustainable Action - Single Family Home
$500.00	Sustainability - Green Built Home Certified*

$250	Sustainability :Verified Home Energy Rating Index Score (HERS) of 49 or Below
$100	Sustainability - Energy Star Certified
$175.00	Solar Photovoltaic Systems
$100.00	Tree Protection (save)**
	Energy Savings Tree Plantings (new)***

*Only 1 discount per residential building in the shaded gray areas
**Applicable for at least one existing shade tree on the City's approved recommended species list that is 10" in diameter or larger as measured at DBH (list available upon request), $100 Fee Rebate total, or
***Applicable for at least one newly planted shade tree on the south or west side of the property, that is 2" in diameter or larger at the time of planting and that is on the City's approved recommended species list as a large maturing tree, $100 Fee Rebate total.

Additional / External Rebates

The City of Asheville also offers incentives for affordable housing with our *Land Use Incentive Grant (LUIG)*, as well as access to our *Housing Trust Fund* and *City-owned land*. Please see our Community Development webpage here for more information.

Check with local utilities for consideration of other fees that can be potentially rebated and/or assist your development:

- The Buncombe County Metropolitan Sewerage District (MSD) offers an Affordable Housing Cost Recovery Reimbursement Program with a discount on your MSD fees for each affordable unit. Please contact Paul D'Angelo with the Community Development Department for more information. pdangelo@ashevillenc.gov / 828.251.4098
- Duke Energy Progress offers rebates and custom incentives to increase energy efficiency in your development.
- Duke Energywise
- Blue Horizons

Affordable Housing Fee Rebate Application Procedures

- Applications shall be in the form of a letter written to Ben Woody @ DSD (narrative).
- The application letter should indicate clearly how the project meets the grant eligibility requirements (see .. TO QUALIFY).
- The application letter should clearly indicate who the developer contact person is, and how that person can be contacted.
- The application letter must provide the PIN Number of the property to be developed.
- The application letter must provide an estimated start date for project construction, and an estimated date for project completion and issuance of all occupancy approvals.
- *The application must be accompanied with site plans.*
- Applications should be received at least 15 days before the applicable regularly scheduled

Housing and Community Development (HCD) Committee meeting which are held the 3rd Tuesday of each month.

- The applicant should expect the application to be considered in four meetings open to the public: 1) at a regular meeting of the Housing and Community Development Committee; 2: at a regular meeting of the Finance & Human Resources Committee; 3) at a regularly scheduled City Council meeting, when a motion to hold a public hearing will be formally considered; 4) at a regularly scheduled City Council meeting when the public hearing will be heard, and the grant request will be formally considered by Council. Approval of a Fee Rebate Grant under this Policy requires a public hearing and approval by the City Council.
- Unless granted an exemption from the City Council for just cause shown, no new or updated Fee Rebate application, i.e. no Grant, will be allowed under this Policy for projects which have already received building permits.
- City staff will determine during your application if your project is eligible for fee rebates. Rebates are available on a first come first serve basis and determined based on the available budget.
- If approved, City staff will prepare a Fee Rebate Agreement, to be reviewed by the City Attorney's Office, which will detail the specific terms of the grant, including, but not limited to:
    - An estimated grant amount, based upon the estimated Fee Rebates to be received and the Council approved Fee Grant. The actual grant amount will be derived from the percentage of qualified rebate and final fee totals.
    - The number of units that must be provided at affordable rental rates and the duration of time of affordability. (Affordability Agreement)
    - Monitoring criteria and provisions/penalties for non-compliance.

Fee Waivers

Certain Fees eligible for rebates as described above, may be waived upfront on a case by case basis based on a developer's affordable housing experience and demonstrated financial need of the project upon approval by City Council. Utility related fees cannot be waived. Additionally, in order to be eligible for a fee waiver, the developer must have a contractual obligation with the City to provide affordable housing (i.e. an affordable housing loan agreement with the City or some other type of agreement).

Fee Grant Availability

The city budgets **annually** for the affordable housing fee rebate program and for the sustainability fee rebate program. These programs are managed based on budget availability and City Council strategic goals. DSD will communicate upon contact the amount still available in the program.

Enforceability

If the Participant defaults in any of the Program Requirements of the Fee Grant Program, or, sells, assigns, transfers or conveys all or any part of the Property without notifying the City and submitting a release or transfer request prior to the end of the affordability period terms, then the City, at its option, may without further notice, declare the entire fee grant, together with all interest accrued thereon, immediately due and payable with a 10% per annum penalty until paid. Failure to exercise this option shall not constitute a waiver of the right to exercise the same at any other time.

Authority and Purpose

This policy is approved pursuant to N.C. Gen. Stat. § 160A-456 and is intended to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville. These public purposes include the following, which are also principal components of the City's annual strategic goals, vision and other adopted plans: 1) the development of affordable and workforce housing. This Policy will serve to, among other things, encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456.

RESOLUTION 19- 245

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S LAND USE INCENTIVE POLICY

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-456, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including funds for housing for low and moderate income persons; and

WHEREAS, the Asheville City Council first adopted the Transformational Development Projects Incentive Policy by Resolution No. 10-240 on November 9, 2010 and amended this Policy by Resolution No. 11-50 on March 8, 2011;Resolution No. 12-9 on January 10, 2012; Resolution 14-182 on August 26, 2014; Resolution No. 15-187 on September 22, 2015; and by Resolution No. 18-240 on September 11, 2018; and

WHEREAS, the Asheville City Council believes it is important to support development that furthers the public purposes encompassed in the major elements of the Council's Strategic Plan and the City's Comprehensive Plan and other adopted plans, including the provision of workforce and affordable housing and/or green development and energy saving projects; and

WHEREAS, the Asheville City Council believes it is necessary to modify and clarify the City's existing Land Use Incentive Policy ("LUIP") in order to further encourage the use of the LUIP and to more specifically set forth the requirements and considerations for Council approved appropriations for affordable housing and green development under the statutory authority listed above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City's Land Use Incentive Policy last amended on September 11, 20018 adopted (Resolution No. 18-240) is hereby revised and amended as shown on Exhibit A, attached hereto and incorporated here by reference and this version hereby replaces and supersedes all prior amendments to this Policy.

Read, approved and adopted this 22nd day of October, 2019.

Magdalen Bullson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullson
City Clerk

LAND USE INCENTIVE GRANT POLICY
AS AMENDED OCTOBER 22, 2019

Thank you for your interest in building and maintaining affordable homes for households and families in Asheville. By partnering with the City of Asheville, we hope to assist all developers to fulfill their mission as well as ours by keeping Asheville a vibrant and affordable place to live.

If you are considering adding affordable units to your development, please read this policy and guidance in its entirety. If you should have any questions, or are interested in getting an estimate on savings for building affordable units, please contact:

Andrew Mayronne
Community Development Analyst
City of Asheville
828.251.5728

Paul D'Angelo
CD Program Director
City of Asheville
828.251.4098

Guidance:

Please see the points matrix on the following page. Every 5 points can earn one year of economic incentive -

> Equivalent to **City** property taxes (with improvements calculated) in excess of currently assessed taxes at the time of LUIG application for one year applied annually, *to be dated from the date of release of all occupancy permits for the project. Land Use Incentive Grant (LUIG)* not to exceed 20 years plus one.

The baseline rents defining "affordable" and "workforce" housing shall be the rents for income and household size and determined by the number of bedrooms in qualified residential units, as published by the Community Development Department (CD), for the year (known as Appendix 1) in which the Certificate of Occupancy (herein "CO") is issued.

To Qualify:

The following requirements must be met in order for City Council to consider an application. Affordability is the key. While CD will discuss any development that includes affordable units, applicants must meet the following minimum requirements:

- The proposed development must consist of two or more dwelling units for rent;
- At least 10% of the units must meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income (AMI).
- The affordable units must be affordable to and leased to income-eligible households for at least *20* years.
- The proposed development must be located inside the city limits.
- The proposed development must be 70% residential in use based on square footage not to include a parking structure if applicable.
- The proposed development must be located to provide residents convenient access to jobs, schools and services. A walkability score from walkscore.com must be submitted with the Application.

Scoring Table (See "Notes on the Matrix" below for further clarification)

Points	5	10	15	20	30	40	50	60	70	80	90	100
10%+ Affordable (under 80% AMI)				x								
20%+ Affordable					x							
30%+ Affordable						x						
40%+ Affordable							x					
50%+ Affordable								x				
60%+ Affordable									x			
70%+ Affordable										x		
80%+ Affordable											x	
90%+ Affordable												x
25%+ Workforce (80 - 100% AMI)	x											
50%+ Workforce		x										
75%+ Workforce			x									
20%+ Low Income (under 60% AMI)		x										
50%+ Low Income				x								
Tenant Affordability: *30* years		x										
Tenant Affordability: *50* years				x								
5%+ Rental Assistance		x										
Referral - Homeless By-name List	x											
Location: .25 mile ½ hour transit stop		x										
Location: Within Central Business District					x							
Location: 1 mile from job *or urban* center	x											
Location: .5 mile from Transp. Amenity	x											
Brownfield Redevelopment		x										
Energy Efficiency (EE) / Energy Star	x											
EE / Green Built Homes, SystemsVision		x										
EE / Solar Panels			x									
Universal Design - 20% units		x										
Building in NON-Qualified Census Tract		x										
Redevelop/Rehab 1 to 2 rebuild for affordable	x											
Redevelop/Rehab 1 to 3 rebuild for affordable		x										

The above point system will guide City Council in determining the actual amount of the Grant. Because the point system is a guide, City Council is authorized to allow more or less points on any particular factor, depending upon development characteristics, potential benefits of the project, potential detriments of the project, etc.

Notes on the matrix

- Affordability % & length of affordability are top priorities in the scoring matrix.
- Workforce units and points are for income-eligible households earning 100% or less of area median income, also published on the Community Development website (known as Appendix 1).
- If a combination of Affordable and Workforce Rental Units are provided in a single development, the total combined percentage of affordable and workforce is used to determine the percentage of workforce units in the project .
- Low Income
    - Income-eligible households earning 60% or less of area median income. Applicant must be willing to accept vouchers for these units to receive points.
- Rental Assistance
    - Housing Choice Voucher (HCV - Section 8), Veterans Affair Supportive Housing (VASH), Continuum of Care, Rapid Re-Housing, Housing Opportunities for People With Aids (HOPWA), Transition to Community Living (TCLI), etc.
- By-Name List
    - This is the Community Registry of the most vulnerable chronically homeless disabled adults; this tenant would come with rental assistance & ongoing supportive services. Removing 1 person off the list = 5 pts.
- Superior locational efficiency / explanation of ".5 mile from Trans. Amenity"
    - Within .5 mile of an existing public school, full-service grocery store, or ART bus stop (when served by a one hour ART transit frequency with service expansion planned in Transit Master Plan, and an existing or concurrently developed sidewalk or marked and maintained multi-modal path).
- Superior locational efficiency / explanation of "1 mile from job or urban center"
    - Within 1 mile of designated job center (Asheville downtown, Mission Hospital main campus, Biltmore Town Square, or within 1 mile of Urban Center as defined in the City's Comprehensive Plan). Applicant may also make a case for large concentrations of job opportunities within 1 mile radius of site.
- Brownfield redevelopment
    - Applicants who have received approval for a State of North Carolina Brownfield Redevelopment grant may request that payment of their Land Use Incentive Grant be extended beyond the awarded term, in order to be able to use both grants. However, the LUIG amount will be calculated starting from the year of the CO, even if the actual payment of the grant extends beyond the awarded term.
- Energy efficiency
    - Points for Energy Star Certification, Green Built Homes Certification by the Green Built Alliance, and SystemVision from the North Carolina Housing Finance Agency (NCHFA).
- Universal Design
    - In general, the design of buildings, products or environments to make them accessible to all people, regardless of age, disability or other factors. Link here for more information as recommended by NCHFA.
- Building in a **NON**-Qualified Census Tract (QCT)
    - A QCT is a census tract in which at least 50% of the households have an income less than 60% of the Area Median Gross Income (AMGI).
    - Link here to a QCT Map - Census Tracts 1,2,3,9,13,20,25.06 are all QCTs.
- Redevelopment / Rehabilitation
    - Rebuild or Rehab of units where affordable units existed before; all units rehabbed or redeveloped in the 1 to 1 match must target the same AMIs as the original units.

Application Procedures

- Applications shall be in the form of a letter written to the City Staff contact (narrative).
- The application letter should indicate clearly how the project meets the grant eligibility requirements (see TO QUALIFY), and a completed Matrix table.
- The application letter should clearly indicate who the developer contact person is, and how that person can be contacted.
- The application letter must provide the PIN Number of the property(s) to be developed, the current tax value of the property(s), and an estimate of the tax value of the project post-completion.
- The application letter must provide an estimated start date for project construction, and an estimated date for project completion and issuance of all occupancy approvals.
- *The application must be accompanied with site plans, proximity maps to transit, amenities, Job/Urban Centers, etc.to justify points requested and/or points requested outside of policy.*
- Applications should be received at least 15 days before the respective regularly scheduled Housing and Community Development (HCD) Committee meeting.
- The applicant should expect the application to be considered in four meetings open to the public: 1) at a regular meeting of the Housing and Community Development Committee; 2) at a regular meeting of the Finance & Human Resources Committee; 3) at a regularly scheduled City Council meeting, when a motion to hold a public hearing will be formally considered; 4) at a regularly scheduled City Council meeting when the public hearing will be heard, and the grant request will be formally considered by Council. Approval of a Land Use Incentive Grant under this Policy requires a public hearing and approval by the City Council.
- Unless granted an exemption from the City Council for just cause shown, no new or updated LUIG application, i.e. no Grant, will be allowed under this Policy for projects which have already received building permits and/or City Council approval.
- If approved, City staff will prepare a LUIG Agreement, to be reviewed by the City Attorney's Office, which will detail the specific terms of the grant, including, but not limited to:
    - An estimated award, based upon the estimated difference between the current property tax value and the estimated tax value post completion, and the Council approved Land Use Incentive Grant. The actual grant will be based upon the actual assessed value at the completion of construction, as determined by the Buncombe County Tax Assessor.
    - The number of units that must be provided at affordable or workforce rents, and the duration of time those rents must be provided. (Affordability Agreement)
    - Monitoring criteria and provisions/penalties for non-compliance.

After the Application: Process and City Council Review:

Community Development Staff will accept and evaluate Land Use Incentive Grant applications submitted pursuant to this Policy for compliance with, among other things, this Policy's requirements and goals, the City's adopted Strategic Plan, Vision and any other applicable City plans. Working with the Developer, staff will also evaluate the number of potential points which a project could achieve under the Policy and provide a report to the Housing & Community Development Committee (HCD), with a recommendation based upon the foregoing analysis. HCD will review the staff assessment and make a recommendation to the Finance Committee and full Council. Finance Committee will also review staff assessment and make a recommendation to full council.

City Council will hear the staff assessment report and the Applicant's request and set a public hearing. Following the public hearing, the Council will make a discretionary determination as to whether to award the requested Grant, and the amount of any Grant awarded, based on its overall evaluation of the submitted project, not just the number of points.

*City Council will review applications which seek grants under this Policy according to the requirements and procedures set forth in N.C. Gen. Stat. § 160A-456, and those which are set forth herein. The Council's decision to make a Land Use Incentive Grant and the amount of any Grant which is allowed, while within the discretion of the City Council, shall be guided by this Policy.

Post-Award: Compliance & Reporting / Grant

- If the Land Use Incentive Grant is approved by City Council, Grantee shall enter into a Land Use Incentive Grant Agreement with the City and also execute and record an Affordable Housing Deed Restriction prior to issuance of a CO.
- Verification of income at initial lease-up is required, but no additional verification is required as long as the qualified tenant remains in residence in the unit.
- When the tenancy of qualified units are terminated, they must be leased to income-qualified tenants, with verification of income required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented (known as Appendix 1).
- Annual rent increases for an affordable unit should not exceed 3%.
- The affordable unit must be made available within 60 days of its termination of a tenancy.
- An annual report to the City's Community Development Department providing both a complete rent roll, income and household size of income qualified tenants, and unit number correlated to rent roll, is required to continue to establish compliance with the LUIG requirements.
- The City of Asheville may, upon 10 days written notice, inspect the rent roll and household income verification records on site.
- If the project is out of compliance, it will have 30 days to cure the non-compliance.
- If the project remains non-compliance within that time frame, the City may deem the LUIG Agreement null and void and require that all prior grant funds be returned to the City.
- Grant is awarded following demonstrated performance and compliance to Community Development with the following schedule: tax equivalent grant, one year following the full occupancy and CO of the project and proof of payment of taxes.

Enforceability

If the Participant defaults in any of the Program Requirements of the Land Use Incentive Grant, or sells, assigns, transfers or conveys all or any part of the Property without notifying the City and submitting a release or transfer request prior to the end of the affordability period terms, then the City, at its option, may without further notice, declare the entire fee grant, together with all interest accrued thereon, immediately due and payable with a 10% per annum penalty until paid. Failure to exercise this option shall not constitute a waiver of the right to exercise the same at any other time.

Authority and Purpose:

This policy is approved pursuant to N.C. Gen. Stat. § 160A-456 and is intended to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes

in the City of Asheville. These public purposes include the following, which are also principal components of the City's annual strategic goals, vision and other adopted plans: 1) the development of affordable and workforce housing. This Policy will serve to encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456.

Links (available in printed form or as an attachment upon request)

- Appendix 1
- Draft / Example Application Letter
- Draft / Example Land Use Incentive Grant Agreement & Affordable Housing Deed Restriction
- Draft / Example Property Annual Report
- Draft / Example Staff Assessment LUIG Report

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RESOLUTION NO. 19-246

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH ADW ARCHITECTS, P.A., FOR THE NEW FIRE STATION 13 BUILDING DESIGN SERVICES.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64, statements of qualification were solicited for the project known as New Fire Station 13, and ADW Architects, was judged the best qualified firm for the project; and

WHEREAS, the City entered into a contract with ADW Architects, P.A., in the amount of $456,583.00 for the initial phase of the project, and the City desires to amend said contract for an additional $407,567.00 for professional services necessary to the completion of the project; and

WHEREAS, the funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the contract with ADW Architects, P.A., in the amount of $ 407,567, and total contract amount of $864,150.00 for the New Fire Station 13, and to further authorize the City Manager or their designee to execute any changes that may arise during the project up to the contingency amount of 10% of the contract ($86,415).

Read, approved and adopted this the 12th day of November, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-247

RESOLUTION AUTHORIZING THE PROCUREMENT OF IMAGING EQUIPMENT FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS/DRUG ENFORCEMENT ADMINISTRATION TASK FORCE FROM SOLE SOURCE VENDOR VIKEN DETECTION

WHEREAS, N.C.G.S. 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129 (e) states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(ii) a needed product is available from only one source or supply"; and

WHEREAS, Viken Detection has been identified as the "sole source" for handheld X-ray Imaging Equipment; and

WHEREAS, funds from the previously approved 2018 HIDTA Grant Program are available for the procurement of the required equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby authorizes the procurement of handheld X-ray Equipment as permitted under N.C.G.S. 143-129 (e) (6) from sole source vendor Viken Detection.

Read, approved and adopted this the 12th day of November, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

142

RESOLUTION NO. 19- 248

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH EMERGENCY SOLUTIONS GRANT SUBRECIPIENTS AND EXECUTE HOMELESS MANAGEMENT INFORMATION SYSTEMS ANNUAL SERVICES AGREEMENT

WHEREAS, Emergency Solutions Grant (ESG funds) are made available from the U.S. Department of Housing and Urban Development through the State of North Carolina Division of Aging and Adult Services (DAAS) of the North Carolina Department of Health and Human Services; and

WHEREAS, the City of Asheville has been the fiscal sponsor for Emergency Solutions Grant funding since 2012 to fund local agencies working to address homelessness; and

WHEREAS, the City of Asheville has been awarded $135,419 to fund agencies providing emergency shelter, homelessness prevention, rapid rehousing housing assistance for homeless individuals and families, as well as operational support for the community's Homeless Management Information System and support for the City of Asheville to administer awards to the subrecipients;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Council authorizes the City Manager to sign all necessary contract documents with the State of North Carolina Division of Aging and Adult Services (DAAS), after approval by the City Attorney.
2. Council authorizes the City Manager to execute all necessary contract documents with the Michigan Coalition Against Homelessness for the City's annual Homeless Management Information System services agreement.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 19-249

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE U. S. DEPARTMENT OF JUSTICE FOR THE 2019 BULLETPROOF VEST PARTNERSHIP GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the City of Asheville receives an annual opportunity to apply for a United States Department of Justice (DOJ), Bulletproof Vest Partnership Grant (BVP); and

WHEREAS, the DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a grant of $25,219.31 which requires a dollar for dollar match by the City; and

WHEREAS, the APD will use the funds to purchase 78 bulletproof vests over the 2 year life of the grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the U.S. Department of Justice for a Bulletproof Vest Partnership Grant in the amount of $50,438.62.

Read, approved and adopted this the 12th day of November, 2019.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 19-250

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TENNOCA CONSTRUCTION COMPANY FOR THE HAYWOOD STREETSCAPE PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Haywood Streetscape Project, City of Asheville Project #X1709; and

WHEREAS, the Tennoca Construction Company of Candler, NC was the lowest responsible bidder for the project; and

WHEREAS, the Tennoca Construction Company. shall provide all labor, materials, and equipment for the Haywood Streetscape Project; and

WHEREAS, the amount of the negotiated bid is $4,749,345. and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Tennoca Construction Co. in the amount of $4,749,345 for the construction of the Haywood Streetscape Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the 10% contingency amount that is included in the $4,749,345 total contract value.

Read, approved and adopted this the 12th day of November, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 19-251

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY (MSD) FOR COST SHARING FOR THE HAYWOOD STREETSCAPE PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Haywood Streetscape Project, City of Asheville Project #X1709; and

WHEREAS, Tennoca Construction Company was the lowest responsive bidder and shall provide all labor, materials, and equipment for the Haywood Streetscape Project; and

WHEREAS, pursuant to a resolution City Council adopted on November 12, 2019, the City Manager executed a construction contract with Tennoca Construction Company of Candler, NC was the lowest responsible bidder for the project; and

WHEREAS, the Haywood Streetscape construction project will include MSD capital improvements shall provide all labor, materials, and equipment for the Haywood Streetscape Project; and

WHEREAS, MSD has identified that their portion of costs for the Haywood Streetscape Project are in the amount of $1,709,532 and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a cost sharing Memorandum of Understanding with the Buncombe County Metropolitan Sewerage District to reimburse the City of Asheville up to $1,709,532 for the MSD portion of construction costs for the Haywood Streetscape Project.

Read, approved and adopted this the 12th day of November, 2019.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Magdalen Burleson
City Clerk

Approved as to form:

City Attorney

146.

RESOLUTION NO. 19-252

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONRACT WITH POYNER SPRUILL FOR OUTSIDE COUNSEL

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, current contract funds for certain legal services have been depleted, but the need for these services remains; and

WHEREAS, the addition of $100,000 requires City Council approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign an amendment to the contract with Poyner Spruill for legal services to an amended total of $189,000.00.

Read, approved and adopted this the 12th day of November, 2019.

Magdalen Bullman
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullman
City Clerk

RESOLUTION NO. 19-253

RESOLUTION AUTHORIZING THE PROCUREMENT OF ANTENNA EQUIPMENT AND SERVICES TO RELOCATE AN EXISTING RADIO SYSTEM SIMULCAST SITE TO AN ADJACENT STATE OWNED RADIO TOWER BASED ON STANDARDIZED NEEDS AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MOTOROLA SOLUTIONS, INC.

WHEREAS, N.C.G.S. 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129 (e) states that the governing body of a political subdivision of the State may approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, standardization and compatibility is an overriding consideration for selecting Motorola Solutions, Inc. to provide equipment and service to relocate the Peach Knob radio system simulcast site to an adjacent State owned radio tower based on standardized needs; and

WHEREAS, $43,644.69 will be allocated from the City's tower management budget specifically designated for upkeep and maintenance of City radio tower facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby authorizes the procurement of radio system equipment and services as permitted under N.C.G.S. 143-129 (e) (6) for the reason of standardization from vendor Motorola Solutions, Inc. and further authorizes the City Manager to execute an Agreement with Motorola Solutions, Inc. for the purchase of this equipment and service.

Read, approved and adopted this the 12th day of November, 2019.

Magdalen Bowerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 19-254

RESOLUTION AUTHORIZING 2020 CENSUS PARTNERSHIP

WHEREAS, the U.S. Census Bureau is required by the U.S. Constitution to conduct a complete count of the population and provides a historic opportunity to help shape the foundation of our society and play an active role in American democracy; and

WHEREAS, the City of Asheville is committed to ensuring every resident is counted; and

WHEREAS, federal and state funding is allocated to communities, and decisions are made on matters of national and local importance based, in part, on census data and housing; and

WHEREAS, census data help determine how many seats each state will have in the U.S. House of Representatives and are necessary for an accurate and fair redistricting of state legislative seats, county and city councils and voting districts; and

WHEREAS, information from the 2020 Census and American Community Survey is vital for economic development and increased employment; and

WHEREAS, the information collected by the census is confidential and protected by law; and

WHEREAS, a united voice from business, government, community-based and faith-based organizations, educators, media and others will enable the 2020 Census message to reach more of our residents; and

WHEREAS, the Census count requires extensive work, and the Census Bureau requires partners at the state and local level to ensure a complete and accurate county; and

WHEREAS, the City of Asheville and its appointed Complete Count Committee will bring together a cross section of community members who will utilize their local knowledge and expertise to reach out to all persons of our community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT THE CITY OF ASHEVILLE:

1. Commits to partnering with the U.S. Census Bureau and the State of North Carolina.

2. Will support the goals for the 2020 Census and will disseminate 2020 Census information; and encourage all City residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation.

3. Will provide Complete Count Committee and Census advocates to speak to City and community organizations; and support census takers as they help our City complete an accurate county.

4. Will strive to achieve a complete and accurate count of all persons within our City.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Bourneson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourneson
City Clerk

RESOLUTION NO. 19-255

RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the term of Jan Davis as a member of the Alcoholic Beverage Control Board expires on November 13, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Jan Davis, 31 Graystone Road, N.C., be and he is hereby reappointed as a member of the Alcoholic Beverage Control Board to serve an additional three-year term, term to expire November 13, 2022, or until his successor is appointed.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

150

RESOLUTION NO. 19- 256

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE CRIMESTOPPERS BOARD COMMITTEE

WHEREAS, Beau Dean and Tana Macaluso have both resigned as members of the Asheville-Buncombe Crimestoppers Board, leaving unexpired terms until June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Travis Smith, 20 Jefferson Drive, Asheville, N.C., be and he is hereby appointed to the Asheville-Buncombe Crimestoppers Board to serve the unexpired term of Mr. Dean, term to expire June 30, 2020, or until his successor has been appointed.

Alvin Malesky Jr., 117 Hudson Street, Asheville, N.C., be and he is hereby appointed to the Asheville-Buncombe Crimestoppers Board to serve the unexpired term of Ms. Macaluso, term to expire June 30, 2020, or until his successor has been appointed.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-257

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSIONS

WHEREAS, Hilliary Mannion has resigned as a member of the Asheville-Buncombe Historic Resources Commission, thus leaving an unexpired term until July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Will Hornaday, 154 Cherokee Road, Asheville, N.C., be and he is hereby appointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Ms. Mannion, term to expire July 1, 2020, or until his successor has been appointed.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESO.

RESOLUTION NO. 19-258

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the terms of David Nash and Randy Stoudt (homeless or formerly homeless seat) expired on November 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

David Nash, 119 Estes Court, Asheville, N.C., be and he is hereby reappointed to the Homeless Initiative Advisory Committee to serve a three-year term, term to expire November 1, 2022, or until his successor has been appointed.

Randy Stoudt, 19 North Ann Street, Asheville, N.C., be and he is hereby reappointed to the Homeless Initiative Advisory Committee (homeless or formerly homeless seat) to serve a three-year term, term to expire November 1, 2022, or until his successor has been appointed.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 19-259

RESOLUTION APPOINTING MEMBERS TO THE SOIL EROSION AND STORMWATER REVIEW COMMITTEE

WHEREAS, the terms of Pete Hildebrand and Catherine Rosjford expired on November 1, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pete Hildebrand, 337 Chunns Cove Road, Asheville, N.C., be and he is hereby reappointed to the Soil Erosion and Stormwater Review Committee to serve an additional three-year term, term to expire November 1, 2022, or until his successor has been appointed.

Catherine Rosjford, 1110 Chicory Lane, Asheville, N.C., be and she is hereby reappointed to the Soil Erosion and Stormwater Review Committee to serve an additional three-year term, term to expire November 1, 2022, or until her successor has been appointed.

Read, approved and adopted this 12th day of November, 2019.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-260

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT AT RICHMOND HILL PARK ON CITY-OWNED PROPERTY TO DEPENDABLE HOUSE BUYER LLC

WHEREAS, N.C. Gen. Stat. sec. 160A-273 grants authority to cities to convey easements across city property; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 300 Richmond Hill Drive, identified as PIN # 963929286400000, and known as Richmond Hill Park; and

WHEREAS, the City has determined that there is no existing easement for this gravel and soil road but it has been used by residents for many years; and

WHEREAS, the Parks and Recreation department has been consulted and has no objections to granting the access easement as the existing road does not interfere with the park's recreational uses; and

WHEREAS, the road is not a City street and the Streets and Transportation Departments have been consulted and are not interested in accepting or maintaining this road; and

WHEREAS, Dependable House Buyer, LLC (Grantee) is willing to pay $9,000 for the easement, to repair and maintain the road at no cost to the City and to accept a non-exclusive easement, meaning the road would remain open to the general public; and

WHEREAS, the portion of land needed for the permanent easement comprises approximately 47,250 square feet (1.085 acres) and will be confirmed by a survey;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North General Statute Sec. 160A-273, the City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent non-exclusive easement of approximately 47,250 square feet over a portion of property located at 300 Richmond Hill Drive PIN # 963929286400000 to Dependable House Buyer, LLC.

Read, approved and adopted this 26th day of November, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-261

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CHANGE ORDER WITH BEVERLY GRANT/BARNHILL J.V. FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on June 27, 2017 by Resolution No. 17-137, City Council authorized a contract with Beverly-Grant/Barnhill to construct the RADTIP; and

WHEREAS, a contract amendment to the Beverly-Grant/Barnhill Construction Co. is required for the services associated with the management and construction of the project; and

WHEREAS, the current amount of the contract is $31,532,921 and the amendment to the contract is a not-to-exceed price of $1,800 000 for a total maximum price of $33,332,920.54.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order for not-to-exceed $1,800,000. with Beverly Grant/Barnhill Joint Venture to add to the scope of the construction project additional infrastructure improvements from the Riverside Drive railroad crossing to Hill Street.

Read, approved and adopted this the 26th day of November, 2019.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

156

RESOLUTION NO. 19-262

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GREYBEARD FENCING SOLUTIONS FOR THE RAY L KISIAH PARK PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Ray L Kisiah Park project; and

WHEREAS, the Greybeard Fencing Solutions, of Mars Hill, NC was the lowest responsible bidder for the project; and

WHEREAS, the amount of the bid is $184,939, and funding for the project is allocated within the GO Bond Funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Greybeard Fence Solutions of Mars Hill, NC, in the amount of $184,939 and to further authorize change orders up to the contingency amount of $18,494 (10%) for Ray L Kisiah Park fencing improvements.

Read, approved and adopted this 26th day of November, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-263

RESOLUTION AUTHORIZING THE PROCUREMENT OF CANDIDATE PHYSICAL ABILITY TEST EQUIPMENT FROM SOLE SOURCE VENDOR CPAT DISTRIBUTION INC.

WHEREAS, N.C.G.S. 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129 (e) states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(ii) a needed product is available from only one source or supply"; and

WHEREAS, CPAT Distribution, Inc has been identified as the "sole source" for equipment including ALCO Machine Forcible Entry Machine and Calibration Unit; CPAT Distribution, Inc. Portable Stand for the Forcible Entry Machine, the Practice Forcible Entry Machine; AFD Steel, Inc. "Molitor" Ceiling Breach & Pull Prop, Ladder Raise and Ladder Extension Prop Brackets used to administer the Candidate Physical Ability Test; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby authorizes the procurement of equipment as permitted under N.C.G.S. 143-129 (e) (6) from sole source vendor CPAT Distribution, Inc.

Read, approved and adopted this the 26th day of November, 2019.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 19-264

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR APPRENTICESHIP AND INTERNSHIP PROGRAM GRANTS AND, IF AWARDED, AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE APPRENTICESHIP AND INTERNSHIP PROGRAM FOR FISCAL YEAR 2020-21

WHEREAS, funds for FY 2020-21 are available from the North Carolina Department of Transportation (NCDOT) to hire a transit planning apprentice or intern to perform planning activities; and

WHEREAS, the City of Asheville has requested financial assistance in the amount of $55,053 for the cost of transit planning from the North Carolina Department of Transportation; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant totaling $55,053; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $5,503.30 and

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal and State government and to enter into contracts for the administration of said grants;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ASHEVILLE CITY COUNCIL THAT:

The City Manager is hereby authorized to execute all necessary documents to apply for and accept grant funds from NCDOT, and to execute any and all documents necessary from the NCDOT to fund the Apprenticeship and Internship programs for FY 2020-21.

Read, approved and adopted this 26th day of November 2019.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 19-265

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A GUARANTEED MAXIMUM PRICE WITH THE SELECTED CONSTRUCTION MANAGER AT RISK FIRM, J. BRADY CONTRACTING, INC, FOR THE U.S. CELLULAR CENTER FACILITY RENOVATION & HVAC MODERNIZATION CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1, statements of qualification were solicited for a construction manager-at-risk (CMAR) the project known as the U.S. Cellular Center Facility Renovation and HVAC Modernization, City of Asheville Project #C1701; and

WHEREAS, J. BRADY CONTRACTING, INC. was judged the best qualified firm for the project; and

WHEREAS, the contract consists of preconstruction services, and construction management services in order to renovate the U.S. Cellular Center press/meeting room, expand storage, and to modernize the HVAC systems; and

WHEREAS, the City entered into a contract in the amount of $67,000.00 for preconstruction services, and through prior amendments to said contact resulted in a total guaranteed maximum price of $3,981,264.79 for services necessary to complete the above scope of work; and

WHEREAS, and additional HVAC repairs are needed in the Thomas Wolfe Auditorium; and

WHEREAS, additional funding for the project has been identified within the existing USCC Capital Improvement Program Fund and from USCC fund balance;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a contract amendment to the construction manager-at-risk contract with J. BRADY CONTRACTING, INC., in the amount of $50,000.00, for a total maximum price of $4,031,264.79 to complete HVAC repairs at the Thomas Wolfe Auditorium within the U.S. Cellular Center Facility Renovation and HVAC Modernization contract.

Read, approved and adopted this 26th day of November, 2019.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

160

RESOLUTION NO. 19-266

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS LENNOX COURT

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way known as Lennox Court; and

WHEREAS, City Council on the 22th day of October, 2019, adopted a Resolution of Intent to permanently close an unopened right of way known as Lennox Court, and ordering a public hearing on the question of the closing for the 26th day of November, 2019, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right of way located known as Lennox Ct; and

WHEREAS, the City Council held a public hearing on the closure on November 26, 2019, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way known as Lennox Ct, described as follows: beginning at a point on Hillside St 186 ft from Charlotte St proceeding north for 154 ft and 20 ft wide contained within the property of the Jewish Community Center PIN # 9649-54-9873.

2. A public hearing on the question of permanently closing an unopened right-of-way known as Lennox Court, is hereby called for on November 26, 2019, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on November 26, 2019.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley known as Lennox Ct. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit

thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 26th day of November, 2019.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

162.

RESOLUTION NO. 19- 267

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY KNOWN AS LANCE LANE/POND STREET

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way known as Lance Lane/Pond Street; and

WHEREAS, City Council on the 22th day of October, 2019, adopted a Resolution of Intent to permanently close an unopened right of way known as Lance Ln/Pond St, and ordering a public hearing on the question of the closing for the 26th day of November, 2019, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right of way known as Lance Lane/Pond Street; and

WHEREAS, the City Council held a public hearing on the closure on November 26, 2019, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way known as Lance Lane/Pond Street, described as follows:

RIGHT OF WAY CLOSURE AREA
PORTION OF LANCE LANE AND PORTION OF UN-NAMED ALLY
AS PER PLAT BOOK 1 PAGE 63

Being a tract of land in the City of Asheville in the County of Buncombe in the State of North Carolina and being more particularly described as follows:

Beginning at a 5/8" rebar, flush with grade, said rebar being the northwestern corner of Lot 7, Block 25 of Plat book 1 Page 63, in the southern, North Carolina Department of Transportation, hereon referred to as NCDOT, right of way line of Long Shoals Road; said rebar lies S 80°26'39 W 25.19' from a NCDOT concrete monument in said right of way line; said concrete monument lies S 80°26'39 W 118.18' from a magnetic nail found; said nail being the northeastern corner of Lot 1, Block 25 of aforementioned plat; thence from said POINT OF BEGINNING thus established, with the common boundary of Lance Lane and Lot 7, S 3°27'13" W 157.36' to a 5/8" rebar, flush with grade; said rebar being the southwestern corner of Lot 7; thence with the southern boundary line of Lots 7, 5, 3 and 1, and the common northern boundary line of an unnamed ally bisecting Block 25, N 80°32'12" E 177.48' to a 1/2" rebar, 0.3' above grade, said rebar having North Carolina grid coordinates of N 649672.73, E 949695.15; said rebar being

the southeastern corner of Lot 1 and lying on the western boundary line of Lover Lane's 45' right of way line as per the aforementioned plat: said rebar lies S 80°24'44" W of a 5/8" rebar with a "HUTCHISON-BIGGS' cap, flush with grade; said cap being the southwestern corner of Lot 17, Block 24 of the aforementioned plat; thence with the western boundary of said Lovers Lane S 7°59'38" E 14.96' to a rebar with a "MCABEE" cap, 0.1' above grade; said rebar being the northeastern corner of Lot 2, block 25 of the aforementioned plat; said iron lies N 8°22'43" W 150.01' from a rebar with a "MCABEE" cap, flush with grade; thence with the northern boundary of Lots 2, 4, 6 and 8, Block 25 of the aforementioned plat and the common boundary line of the southern margin of un-named ally mentioned before, S 80°32'15" W 180.50'to a rebar with a "MCABEE" cap, flush with grade; said rebar being the northwestern corner of Lot 8 and in the eastern right of way line of Lance Lane; thence with the common line of Lance Lane and Lot 8 S 3°26'14" W 153.93' to a rebar with a "MCABEE" cap, 0.1' above grade; said rebar being the southwestern corner of Lot 8 and in the northern boundary of the 63' right of way of Trade Street as per the aforementioned plat; thence S 80°31'16 W 61.88' to an unmarked point in the eastern boundary line of Deed book 5300 Page 462; said point being on the western boundary line of Lance Lane; said unmarked point lies N 6°06'46" E 188.68' from a 3/4" open iron pipe, 1.8' above grade; said iron being the southeastern corner of Deed book 5300 Page 462; thence with the eastern boundary line of Deed book 5300 Page 462 and the common western boundary line of Lance Lane N 6°06'46" E 329.90' to an unmarked point in the southern margin Long Shoals Road; said point lies N 79°44'24" E 303.24' from a NCDOT right of way disk; thence with the southern right of way of Long Shoals Road N 79°44'24" E 46.25' to the POINT OF BEGINNING. Containing 0.46 ac.

2. A public hearing on the question of permanently closing an unopened right-of-way known as Lance Lane/Pond Street, is hereby called for on November 26, 2019, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on November 26, 2019.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unnamed alley known as Lance Lane/Pond Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 26th day of November, 2019.

Magdalen Bullison
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 19-268

RESOLUTION ADOPTING THE 2020 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following schedule of the meetings of the Asheville City Council for 2020 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 14, 2020; Tuesday, August 11, 2020; and Tuesday, December 22, 2020.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 10th day of December, 2019.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 19-269

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE LICENSE AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AND MAPLE CREST, LLC FOR REIMBURSEMENT FOR SOIL REMEDIATION, STORMWATER RELOCATION AND OTHER CONSTRUCTION EXPENSES THAT BENEFIT PROPERTY AT 319 BILTMORE AVENUE

WHEREAS, N.C. G. S. 160A-16, the City is authorized to enter into contracts; and

WHEREAS, the City of Asheville, hereinafter the City, has an Option to Purchase property located at 319 Biltmore Avenue (identified as PINS 9648-46-1623 and 9648-46-0425) from the current owner, Duke Energy Progress, Inc. (herein "DEP"); and

WHEREAS, the City entered into the Option to Purchase with the specific intention of redeveloping the property into an affordable, mixed-income, mixed-use community that would complement and enhance the redevelopment efforts on an adjacent property owned by the Asheville Housing Authority known as Lee Walker Heights; and

WHEREAS, the City, Housing Authority and Maple Crest, LLC entered into a license agreement for Maple Crest to perform site work on the property at 319 Biltmore associated with the redevelopment of Lee Walker Heights; and

WHEREAS, the City desires that certain improvements that benefit the future development at 319 Biltmore Avenue be performed by Maple Crest, LLC at this time including soil remediation, stormwater relocation and other construction activities at an estimated cost of $400,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the license agreement with the Housing Authority of the City of Asheville and Maple Crest LLC for reimbursement of costs associated with soil remediation, stormwater improvements and other construction related activities that benefit the future redevelopment of 319 Biltmore Avenue, with the reimbursement funds being paid to the Housing Authority. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 10th day of December, 2019.

Magdalen Bourleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

166

RESOLUTION NO. 19-270

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT AGREEMENTS OR ABANDON EASEMENTS ON BEHALF OF THE CITY UNDER CERTAIN CIRCUMSTANCES

WHEREAS, the City of Asheville has authority pursuant to NCGS § 160A-265 to hold, use, change, sell or dispose of its interest in real property; and

WHEREAS, the City of Asheville has authority pursuant to NCGS § 160A-273 to grant of easements over, through, under, or across any city property or the right-of-way; and

WHEREAS, the City Council wishes to delegate its authority to execute easements on City real property to the City Manager under the guidelines that (1) no monetary compensation is warranted or paid, (2) City receives consideration in the form of sufficient non-monetary public benefit, and (3) the utility or value of City land upon which the easement is being granted will be unaffected and not devalued; and

WHEREAS, the City Council wishes to delegate its authority to abandon easements on City real property to the City Manager under the guidelines that (1) the easement is no longer needed for City operation or services and (2) the easement has little or no value to the City; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute or abandon easements on City real property in accordance with the general guidelines set forth above. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 10th day of December, 2019.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION 19-271

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE

WHEREAS, the City Council is considering the issuance of bonds of the City of Asheville, North Carolina (the "*City*") which shall be for the following purposes and in the following maximum amount:

Not to exceed $23,000,000 of General Obligation Refunding Bonds to pay the costs of refunding the outstanding principal amount of the City's General Obligation Bond Anticipation Note, Series 2018 (the *"2018 Note"*).

WHEREAS, the proposed bond may be issued in one or more series of bonds in any combination of tax-exempt and taxable bonds as the City may determine;

WHEREAS, the City Council must make certain findings of fact to enable the Local Government Commission of the State of North Carolina (the *"Commission"*) to make certain determinations as set forth in Section 159-52 of the General Statutes of North Carolina.

NOW, THEREFORE, BE IT RESOLVED that the City Council, meeting in open session on the 10th day of December, 2019, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary and expedient to fix the debt service costs related to the projects financed with the 2018 Note.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The sums estimated for these bonds are adequate and not excessive for the proposed purpose.

C. ***Past Debt Management Policies.*** The City's debt management procedures and policies are good and have been carried out in compliance with law. The City employs a finance officer to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney's office reviews all debt-related documents for compliance with laws.

D. ***Past Budgetary and Fiscal Management Policies.*** The City's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a fund total are presented to the City Council at regular City Council meetings. The Finance Officer presents financial information to City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.

E. ***Retirement of Debt.*** The increase in taxes, if any, necessary to service the proposed debt will not be excessive.

F. ***Marketing of Bonds.*** The proposed bonds can be marketed at reasonable rates of interest.

G. ***Financing Team.*** The Chief Financial Officer, with advice from the City Attorney, is hereby authorized and directed to (1) retain Parker Poe Adams & Bernstein LLP, as bond counsel, (2) retain BofA Securities, Inc., as underwriter for the proposed bonds and (3) retain DEC Associates, Inc., as financial advisor. The Chief Financial Officer is authorized to retain and approve the services of other professionals that they deem necessary related to the issuance of the proposed bonds. The filing of an application by the Chief Financial Officer, or her designee, with the Commission for its approval of the proposed bonds is hereby ratified and confirmed.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA that the public hearing on the bond order shall be held on the 14th day of January, 2020 at or about 5:00 p.m. or as soon thereafter as practicable in the Council Chamber, 2nd Floor of Asheville City Hall, 70 Court Plaza, Asheville, North Carolina 28801. The City Clerk is hereby directed to cause a copy of said bond order to be published with a notice of such hearing in the form prescribed by law in a newspaper of general circulation in the City on or before six days before the public hearing. The Chief Financial Officer is hereby directed to file prior to publication of the bond order with the notice of such public hearing a sworn statement of debt as prescribed by law.

Read, approved and adopted this 10th day of December, 2019.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bourleson
City Clerk

BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $23,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the "*City*") has previously issued its General Obligation Bond Anticipation Note, Series 2018 (the *"2018 Note"*);

WHEREAS, the City Council of the City (the "*City Council*") deems it advisable to refund all of the outstanding principal amount of the 2018 Note;

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Asheville, North Carolina, as follows:

Section 1. The City Council deems it advisable to refund the 2018 Note.

Section 2. To raise the money required to pay the costs of refunding the 2018 Note as set forth above, General Obligation Refunding Bonds of the City in one or more series (the *"Refunding Bonds"*) are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such Refunding Bonds authorized by this bond order shall be and not exceed $23,000,000.

Section 3. Taxes will be levied in an amount sufficient to pay the principal and interest of the Refunding Bonds.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. This bond order shall take effect on its adoption.

Introduced this 10th day of December, 2019.

Magdalen Bullerson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bullerson
City Clerk

170

RESOLUTION NO. 19-272

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR THE ASHELAND / COXE DEVELOPMENT (TRIBUTE COMPANIES)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat. $ 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. $ 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Asheland / Coxe development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy adopted by the City Council, the Asheland / Coxe development located in the South Slope will be a 488 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose in that it will provide 49 units of moderate income housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 80% of the area median income), and accept housing choice vouchers / rental assistance for 20% of the affordable housing units, and the proposed project is located within .25 mile of a 1/2 hour transit stop served by an existing sidewalk , within the Central Business District, within 1 mile from job or urban center, and within a .5 mile from a Transportation Amenity; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby agrees to enter into a Land Use Incentive Agreement with Tribute Companies to support the development of the Asheland / Coxe project. The estimated annual land use incentive grant would be the difference between the current City tax and the estimated post-completion City tax currently estimated to be $368,425. Capping the LUIG at $80,000 per affordable unit would allow an annual grant of $245,000. The grant is approved for a period of 16 years with the total grant not to exceed $3,920,000.
2. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 10th day of December, 2019.

Magdalena Bouleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalena Bouleson
City Clerk

172.

RESOLUTION NO. 19-273

RESOLUTION APPROVING THE HOUSING TRUST FUND LOAN AWARD REQUESTED BY ASHEVILLE AREA HABITAT FOR HUMANITY TO ALLOW THEM TO DEVELOP FOR-SALE AFFORDABLE HOMES AT SITES ACROSS THE CITY OF ASHEVILLE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, on September 2, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, Asheville Area Habitat for Humanity has requested an $860,000 Housing Trust Fund (HTF) loan for the development of eight (8) single-family homes, which are to be made available for sale to individuals and households at or below 80% of Area Median Income (AMI); and

WHEREAS, the HTF loan is to be structured as a fund to remain available to be drawn upon as needed for 3 years with the option to extend for 1 additional year, or until the 8 homes are completed and sold to qualified buyers;

WHEREAS, the HTF loan shall accrue no interest, with partial repayment to occur at the time of sale to a qualified homebuyer, with the remaining sum invested in each home to be repaid upon future transfer or sale of the property by the homeowner; and

WHEREAS, the City Council's Housing and Community Development Committee reviewed the request from Asheville Area Habitat for Humanity for a Housing Trust Fund loan at its November 26, 2019, meeting, and recommended that City Council approve the loan request;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A Housing Trust Fund loan in the amount of $860,000, amortizing at 0.0% interest for a term of three (3) years, with the option to extend for one (1) additional year, to Asheville Area Habitat for Humanity for the development and sale of eight (8) affordable for-sale homes located at sites within the limits of the City of Asheville, to be made immediately available following loan closing. The eight (8) homes are to be restricted to individuals and households earning 80% or less of the Area Median Income (AMI), with particular emphasis on individuals and households earning below 60% or less of AMI. Funds are to be repaid upon sale to a qualified low-income homebuyer with some portion, an amount estimated to be $40,000 per home or a total of $320,000, to remain outstanding and and used as down payment assistance to the homebuyer, to be repaid upon transfer or sale of the home. All units shall have a five (5) year affordability period, enforced by a deed covenant in a form acceptable to the City Attorney; and the City Manager is hereby authorized to negotiate and execute any and all documents necessary to give effect to this approval.

Read, approved and adopted this 10th day of December, 2019.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-1

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH SAFE INDUSTRIES FOR SERVICES RELATED TO THE REPAIR OF ASHEVILLE FIRE DEPARTMENT TRUCK 9574 (Tiller)

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with Safe Industries for the provision of services related to the repair of truck 9574; and

WHEREAS, the City of Asheville desires to increase the contract value for the above-referenced contract from $78,636 to $117,991; and

WHEREAS, funding for said work is included in the budget and the Asheville Fire Department would utilize funds from its operating budget for its fleet maintenance charges;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an Amendment to the Agreement for the Services on behalf of the City of Asheville with Safe Industries to increase the contract value from $78,636 to $117,991 for services related to the repair of truck 9574

Read, approved and adopted this 14th day of January 2020.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-2

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AUSTIN CONSTRUCTION & GRADING FOR THE RAY L KISIAH PARK PAVING AND BATTING CAGE PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Ray L Kisiah Park project; and

WHEREAS, the Austin Construction & Grading, of Horseshoe, NC was the lowest responsible bidder for the project; and

WHEREAS, the amount of the bid is $196,332.83, and funding for the project is allocated within the GO Bond Funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Austin Construction & Grading of Horseshoe, NC, in the amount of $196,332.83 and to further authorize change orders up to the contingency amount of $19,633 (10%) for Ray L Kisiah Park Paving and Batting Cage improvements.

Read, approved, and adopted this 14th day of January 2020.

Magdalen Bourleson
City Clerk

Edwin C. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-3

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR FEBRUARY 11, 2020

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way known as Oak St; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right-of-way known as Oak St, described as follows: Situated in the City of Asheville, County of Buncombe, and State of North Carolina: 8,474 SF of r/w, 30' wide by 282.47', beginning at Peachtree Rd in a northern manner and terminating south of Nettlewood Road.

2. A public hearing on the question of permanently closing an unopened right-of-way known as Oak Street is hereby called for on February 11, 2020, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on February 11, 2020.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along an unopened right-of-way known as Oak Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 20-4

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN PULLIAM STATE BUREAU LLC AND THE CITY OF ASHEVILLE FOR A SOUTH ASHEVILLE POLICE RESOURCE CENTER

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, Pulliam State Bureau, LLC is the owner of real property located at 9 Walden Ridge, identified as PIN # 9655-14-2784, and has offered to lease 5,491 square feet of space to the City at a lease rate of $13 per square foot per year, for an initial term of five (5) years, with two options to renew for five (5) years each, with an escalation rate of 10% applied at each renewal term; and

WHEREAS, the Asheville Police Department has determined that this site is an appropriate location for the South Asheville Police Resource Center; and

WHEREAS, the City of Asheville is willing to accept the lease terms offered by Pulliam State Bureau, LLC;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between the Pullium State Bureau LLC and the City of Asheville on behalf of the Asheville Police Department for property located at 9 Walden Ridge Drive. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 14th day of January 2020.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20- 5

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY (2010 Freightliner M2 Dump Truck, 2013 Freightliner M2 Dump Truck and 2010 John Deere 410J Backhoe)

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns surplus Freightliner M2 Dump Trucks ("Dump Trucks") and a John Deere 410J Backhoe ("Backhoe"), with an estimated wholesale value of $30,000+ each; and

WHEREAS, the Dump Trucks and Backhoe will be advertised on the GovDeals online auction website and upon completion of the auction will be awarded to the highest bidder; and

WHEREAS, to authorize the sale of the Dump Trucks and Backhoe, City Council approval is needed; and

WHEREAS, the proceeds of the sale will be revenue for the Water Resources Enterprise Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the two (2) Freightliner M2 Dump Trucks and one (1) John Deere 410J Backhoe

2. The Purchasing Manager is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the two (2) Freightliner M2 Dump Trucks and one (1) John Deere 410J Backhoe

Read, approved and adopted this 14th day of January, 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 20-6

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR FEBRUARY 11, 2020

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way between Midway Dr and Willis Way; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right of way between Midway Dr and Willis Way, described as follows:

   Situated in the City of Asheville, County of Buncombe, and State of North Carolina:

   Being known as the lands between Lots 1-A, 1 1/2 -A and 2-A of Plat Book 198, Page 164 recorded in the Buncombe County Register of Deeds further bounded and described as Follows:

   Beginning at a Rebar with Cap found along the southern margin of the right of way of Midway Drive at the northwest corner of lot 1 1/2 - A of the aforementioned plat, said beginning point being North 62015'27" West a distance of 152.92 feet from a magnetic nail set in the asphalt at the east corner of said lot 1 1/2 - A;

   Thence South 05038'34" West a distance of 103.41 feet with the western margin of lots 1-A and 1 1/2 - A of the aforementioned plat to a nail set in a cobble-lined ditch along the northern right of way of Willis Way;

   Thence along the northern margin of the right of way of Willis Way South 77041'55" West a distance of 10.51 feet to a Rebar with Cap found at the southeast corner of lot 2-A of the aforementioned plat;

   Thence with the eastern margin of said lot 2-A North 05038'34" East a distance of 110.70 feet to a Rebar with Cap set along the southern margin of the right of way of Midway Drive at the northeast corner of said lot 2-A;

   Thence along the southern margin of the right of way of Midway Drive South 62015'37" East a distance of 10.79 feet to the Point of Beginning, containing 1,070 square feet more or less based on a field survey performed September 9, 2019 by Robert Brady of Blackrock Surveying and

Land Design, P.C.

2. A public hearing on the question of permanently closing an unopened right-of-way between Midway Drive and Willis Way is hereby called for on February 11, 2020, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on February 11, 2020.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the unopened right-of-way between Midway Drive and Willis Way. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-7

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY OFF FEDERAL ALLEY AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR FEBRUARY 11 2020

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right of way off Federal Alley; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right-of-way off Federal Alley, described as 1253 sf of right of way along Federal Alley as described in Plat Book 7, Page 19 of the Buncombe County Register of Deeds.

2. A public hearing on the question of permanently closing an unopened right off Federal Alley is hereby called for on February 11, 2020, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on February 11, 2020.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along an unopened right of way off Federal Alley. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons effecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bowlson
City Clerk

Esther A. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-8

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE'S PARTICIPATION IN THE LOCAL GOVERNMENT CLIMATE LITIGATION AMICUS BRIEF PROJECT

WHEREAS, the City of Asheville adopted a resolution to increase Municipal Carbon Footprint reduction goal to 4% annually on April 12, 2011; and

WHEREAS, the City of Asheville adopted a resolution supporting a Clean Energy Economy on October 22, 2013; and

WHEREAS, the City of Asheville adopted a resolution re-affirming the City's commitment to reducing climate pollution in alignment with Council's vision, and continued support of the principles of the Pair Agreement and the participation of the U.S.A. as a party to the Paris Agreement on June 13, 2017; and

WHEREAS, the City of Asheville adopted a resolution establishing a 100% Renewable Energy Goal for municipal operations and support Buncombe County's 100% Renewable Energy Community-wide Goal; and

WHEREAS, Asheville has lowered its energy demand and reduced its carbon emissions by 31% since 2008, is already known as Climate City, and is on its way to being a leader in energy conservation, which is the first step in achieving a goal of transitioning to 100% renewable energy ; and

WHEREAS, the Sabin Center for Climate Law at Columbia Law School is seeking local government participation in its amicus, or "friend of the court", climate litigation project to challenge recent rollbacks by the Trump Administration of national climate protections that help safeguard municipalities from some of the worst impacts of climate change; and

WHEREAS, this summer, the Trump Administration finalized a rollback of the Clean Power Plan, America's first-ever national standards to reduce climate pollution from the power sector, and under the Administration's new plan, the "ACE" rule, sets no limits on climate pollution from the power sector and in fact is expected to increase pollution in numerous states; and

WHEREAS, the Administration's proposed Safer Affordable Fuel-Efficiency (SAFE) Vehicles Rule would result in a rollback of federal and state clean car standards and lead to a significant increase in climate pollution; and

WHEREAS, According to the Sabin Center, local governments can make a major contribution to pushing back against these rollbacks by participating as amici in upcoming litigation challenges to these new laws; and

WHEREAS, Participation will give the City an opportunity to review and comment on briefs written by the Sabin Center and also to provide information on how greenhouse gas reduction and renewable energy goals adopted by City Council are in direct conflict with, and would be negatively impacted by the new laws;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council supports the City of Asheville's participation in the Local Government Climate Litigation Amicus Brief Project.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 20-9

RESOLUTION AUTHORIZING A HOME PROGRAM AMENDMENT TO THE CITY'S ANNUAL ACTION PLAN FOR 2019-20

WHEREAS, the City of Asheville is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal Home Investment Partnership Program: and

WHEREAS, City Council adopted an Action Plan on June 11 2019 for the use of funds in FY 2019-20; and

WHEREAS, the City's Housing and Community Development Committee and the Asheville Regional Housing Consortium Board have made recommendations, consistent with the Strategic Plan, for an Action for fiscal year 2019-20; and

WHEREAS, a public hearing has been held to obtain citizen input and comments on the draft reallocation plan, in front of City Council on January 14 2020, and the draft reallocation plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the reallocation of HOME funding for the Annual Action Plan for 2019-20 which is incorporated by reference as if fully set forth herein.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City Attorney, with HUD and other designed agencies for the implementation of the Consolidated Action Plan.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

SUMMARY OF CHANGES TO ANNUAL ACTION PLAN FOR 2019-2020

HOME INVESTMENT PARTNERSHIP PROGRAM

Estimated 2019-2020 Program Income	$19,526
2018-2019 Estimated Program Income	$20,641
Funds available for reallocation	$0
New HOME entitlement grant	$1,229,155
Total HOME funds available:	**$1,269,322**

PROPOSED USE OF FUNDS:

2019-2020 Program Changes	**Additional Funding Recommended**	**Total 19-20 HOME Funds allocated to the project**
Housing Authority of the City of Asheville-TBRA Resident Mobility	$50,000	$50,000
Workforce Homestead-Jasper	$87,908	$400,000
Homeward Bound of Western North Carolina-296 Short Michigan	$240,847	$330,000
Homeward Bound of Western North Carolina- HOME- Diversion	$0	$20,000
Vision Property LLC-Renison Heights Garage Apartment 1	$20,000	$20,000
Henderson County Habitat for Humanity-Dodd Meadows Phase 6	$106,203	$106,203
Housing Assistance Corporation- Cottages at Oklawaha	$218,250	$218,250
City of Asheville Program Administration	$0	124,869
Recommended Funding		**$1,269,322**

RESOLUTION 20-10

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA PROVIDING FOR THE ISSUANCE OF CITY OF ASHEVILLE, NORTH CAROLINA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020A AND CITY OF ASHEVILLE, NORTH CAROLINA TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020B

WHEREAS, the Bond Order (as defined below) has been adopted, and it is desirable to make provision for the issuance of the 2020 Bonds (as defined below) authorized by the Bond Order;

WHEREAS, the City of Asheville, North Carolina (the "*City*") desires to issue its General Obligation Refunding Bonds, Series 2020A (the "*2020A Bonds*") and its Taxable General Obligation Refunding Bonds, Series 2020B (the "*2020B Bonds*", and together with the 2020A Bonds the "*2020 Bonds*") in an aggregate principal amount not to exceed $23,000,000;

WHEREAS, the City requests that the Local Government Commission (the "*Commission*") sell the 2020 Bonds through a negotiated sale to BofA Securities, Inc. (the "*Underwriter*") in accordance with the terms and conditions set forth in a Bond Purchase Agreement (the "*Bond Purchase Agreement*") among the City, the Commission and the Underwriter relating to the 2020 Bonds;

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the City and are available to the City Council of the City (the "*City Council*"):

1. the Bond Purchase Agreement; and

2. a Preliminary Official Statement with respect to the 2020 Bonds

(the "*Preliminary Official Statement*");

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. For purposes of this Resolution, the following words have the meanings ascribed to them below:

"*Bond Order*" means the bond order authorizing $23,000,000 General Obligation Refunding Bonds in one or more series adopted by the City Council on January 14, 2020 and effective on its adoption.

"*Code*" means the Internal Revenue Code of 1986, as amended. Each reference to a section of the Code herein will be deemed to include the United States Treasury Regulations proposed or in effect with respect thereto.

"*Federal Securities*" means, to the extent permitted by Section 159-72 of the General Statutes of North Carolina, as amended, and any successor statute, (a) direct obligations of the United States of America for the timely payment of which the full faith and credit of the United States of America is pledged; (b) obligations, the timely payment of the principal and interest on which is fully guaranteed as full faith and credit obligations of the United States of America (including any securities described in (a)

or (b) issued or held in the name of a trustee in book-entry form on the books of the Department of Treasury of the United States of America), which obligations, in either case, are held in the name of a trustee and are not subject to redemption or purchase prior to maturity at the option of anyone other than the holder; (c) any bonds or other obligations of the State of North Carolina or of any agency, instrumentality or local governmental unit of the State of North Carolina which are (i) not callable prior to maturity or (ii) as to which irrevocable instructions have been given to the trustee or escrow agent with respect to such bonds or other obligations by the obligor to give due notice of redemption and to call such bonds for redemption on the date or dates specified, and which are rated by Moody's, if the 2020 Bonds are rated by Moody's, S&P, if the 2020 Bonds are rated by S&P and Fitch Ratings, if the 2020 Bonds are rated by Fitch Ratings, within the highest rating category and which are secured as to principal, redemption premium, if any, and interest by a fund consisting only of cash or bonds or other obligations of the character described in clause (a) or (b) hereof which fund may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate; (d) direct evidences of ownership of proportionate interests in future interest and principal payments on specified obligations described in (a) held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the underlying obligations described in (a), and which underlying obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated; or (e) any other obligations permitted under laws of the State of North Carolina for the defeasance of local government bonds.

"Fitch Ratings" means Fitch Ratings, Inc., its successors and their assigns, and, if such corporation for any reason no longer performs the functions of a securities rating agency, *"Fitch"* will be deemed to refer to any other nationally recognized securities rating agency other than Moody's and S&P designated by the City.

"*Moody's*" means Moody's Investors Service, a corporation organized and existing under the laws of the State of Delaware, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, "*Moody's*" will be deemed to refer to any other nationally recognized rating agency other than S&P and Fitch Ratings designated by the City.

"*Pricing Certificate*" means the certificate of the City Manager or the City's Chief Financial Officer, or such officer of the City authorized to act on their respective behalf, delivered in connection with the issuance of the 2020 Bonds which establishes the final principal and maturity amounts, the payment dates, the provisions for redemption for the 2020 Bonds, the principal amount of the 2018 Note to be refunded, and other terms of the 2020 Bonds, in each case to make the terms of the 2020 Bonds otherwise set forth in this Resolution consistent with the actual pricing of the 2020 Bonds.

"*S&P*" means S&P Global Ratings, its successors and their assigns and, if such corporation for any reason no longer performs the functions of a securities rating agency, "*S&P*" will be deemed to refer to any other nationally recognized rating agency other than Moody's and Fitch Ratings designated by the City.

"*Tax Certificate*" means the Tax Certificate executed by the City related to the 2020A Bonds.

"2018 Note" means the City's General Obligation Bond Anticipation Note, Series 2018.

"*2020 Bonds*" means the 2020A Bonds and the 2020B Bonds.

"*2020A Bonds*" means the City's General Obligation Refunding Bonds, Series 2020A authorized under the Bond Order.

"*2020B Bonds*" means the City's Taxable General Obligation Refunding Bonds, Series 2020B authorized under the Bond Order.

Section 2. The City shall issue not to exceed $23,000,000 in total aggregate principal amount of its 2020 Bonds. The principal amount of the 2020A Bonds and the principal amount of the 2020B Bonds will be as set forth in the Pricing Certificate.

Section 3. The 2020 Bonds shall be dated as of their date of issuance. The 2020 Bonds shall pay interest semiannually on June 1 and December 1, beginning December 1, 2020, unless different dates are set forth in the Pricing Certificate. The 2020 Bonds are being issued to refund the 2018 Note pursuant to and in accordance with the Bond Order.

Section 4. The 2020 Bonds are payable in installments maturing on June 1 of each year, unless different dates are set forth in the Pricing Certificate. The maturities of the 2020 Bonds will be as set forth in the Pricing Certificate. The 2020 Bonds may be sold as term bonds and, if so, will be subject to mandatory sinking fund redemption as set forth in the Pricing Certificate. The final maturity of the 2020 Bonds will not exceed June 1, 2040.

Section 5. The 2020A Bonds are to be numbered from "RA-1" consecutively and upward and the 2020B Bonds are to be numbered from "RB-1" consecutively and upward. All 2020 Bonds shall bear interest from their date at a rate or rates which will be hereafter determined on the sale thereof computed on the basis of a 360-day year of twelve 30-day months.

Section 6. The 2020 Bonds are to be registered as to principal and interest, and the Chief Financial Officer, or her designee, is directed to maintain the registration records with respect thereto. The 2020 Bonds shall bear the original or facsimile signatures of the Mayor, the Mayor Pro Tem or City Manager and the City Clerk.

Section 7. The 2020 Bonds will initially be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. One bond certificate for each maturity of the 2020 Bonds will be issued to The Depository Trust Company, New York, New York ("*DTC*"), and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the 2020 Bonds in principal amounts of $5,000 or integral multiples thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC. Interest on the 2020 Bonds will be payable to DTC or its nominee as registered owner of the 2020 Bonds in immediately available funds. The principal of and interest on the 2020 Bonds will be payable to owners of 2020 Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The City will not be responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

If (1) DTC determines not to continue to act as securities depository for the 2020 Bonds or (2) the City determines that the continuation of the book-entry system of evidence and transfer of ownership of the 2020 Bonds would adversely affect the interests of the beneficial owners of the 2020 Bonds, the City

will discontinue the book-entry system with DTC. If the City fails to identify another qualified securities depository to replace DTC, the City will authenticate and deliver replacement 2020 Bonds in accordance with DTC's rules and procedures.

Section 8. The 2020A Bonds maturing on or after June 1, 2031 may be redeemed before their maturities, at the option of the City, from any funds that may be available for such purpose, either in whole or in part on any date on or after June 1, 2030 at the redemption price of 100% of the principal amount of such 2020A Bond to be redeemed, together with accrued interest to the date fixed for redemption, unless different redemption provisions are set forth in the Pricing Certificate. If less than all 2020A Bonds are called for redemption, the City shall select the maturity or maturities of the 2020A Bonds to be redeemed in such manner as the City in its discretion may determine, and DTC and its participants shall determine which of the 2020A Bonds within a maturity are to be redeemed in accordance with its rules and procedures.

The 2020B Bonds maturing on or after June 1, 2031 may be redeemed before their maturities, at the option of the City, from any funds that may be available for such purpose, either in whole or in part on any date on or after June 1, 2030 at the redemption price of 100% of the principal amount of such 2020B Bond to be redeemed, together with accrued interest to the date fixed for redemption, unless different redemption provisions are set forth in the Pricing Certificate. If less than all of the 2020B Bonds of any one maturity are to be called for redemption, the City shall select the 2020B Bonds to be redeemed on a pro rata basis among all registered owners of the 2020B Bonds of such maturity based upon the principal amount of the 2020B Bonds owned by each such registered owner, provided that (a) the portion of any 2020B Bond to be redeemed shall be in only whole multiples of $5,000 and (b) so long as the only registered owner of the 2020B Bonds is DTC or its nominee, such selection shall be made by DTC in accordance with its operating rules and procedures, which is currently by lot. If the only registered owner of the 2020B Bonds is DTC or its nominee, the City shall request DTC to select the amount of each direct participant's interest in the 2020B Bonds of such maturity to be redeemed on a pro rata basis based upon the principal amount of their respective interests (and to inform its direct and indirect participant to select the 2020B Bonds for redemption in a like manner) but only to the extent permitted by DTC; provided, however, that the City shall not have any responsibility for ensuring that the 2020B Bonds are called for redemption in such a manner.

If, at the time of such redemption, the book-entry system with respect to the 2020 Bonds is discontinued, the City shall select the portion of the 2020 Bonds to be redeemed by lot or in such manner as the City in its discretion may determine; provided, however, the portion of any 2020 Bond to be redeemed must be in principal amount of $5,000 or integral multiples thereof and that, in selecting 2020 Bonds for redemption, each 2020 Bond is to be considered as representing that number of 2020 Bonds which is obtained by dividing the principal amount of such 2020 Bond by $5,000.

When the City elects to redeem any 2020 Bonds, notice of such redemption of such 2020 Bonds, stating the redemption date, redemption price and identifying the 2020 Bonds or portions thereof to be redeemed and further stating that on such redemption date there are due and payable on each 2020 Bond or portion thereof so to be redeemed, the principal thereof and interest accrued to the redemption date and that from and after such date interest thereon shall cease to accrue, is to be given not less than 30 days nor more than 60 days before the redemption date in writing to DTC or its nominee as the registered owner of such 2020 Bonds, by prepaid certified or registered United States mail (or by such other method permitted by DTC's rules and procedures), at the address provided to the City by DTC, but any failure or defect in respect of such mailing will not affect the validity of the redemption. If DTC is not the registered owner

of such 2020 Bonds, the City will give notice at the time set forth above by prepaid first class United States mail, to the then-registered owners of such 2020 Bonds or portions thereof to be redeemed at the last address shown on the registration books kept by the City. The City will also mail or transmit electronically a copy of the notice of redemption within the time set forth above (1) to the Commission and (2) to the Municipal Securities Rule Making Board (the "*MSRB*") in an electronic format as prescribed by the MSRB, but any failure or defect in respect thereto will not affect the validity of the redemption.

If at the time of mailing of notice of redemption there is not on deposit money sufficient to redeem the 2020 Bonds called for redemption, such notice may state that it is conditional on the deposit of money for the redemption on the date of redemption as set forth in the notice. Any notice, once given, may be withdrawn by notice delivered in the same manner as the notice of redemption was given.

Section 9. The 2020 Bonds, subject to any modifications made in the Pricing Certificate, and the provisions for the registration of the 2020 Bonds and for the approval of the 2020 Bonds by the Secretary of the Commission are to be in substantially the form set forth in the Appendix A hereto.

Section 10. The City covenants that it will not take or permit, or omit to take or cause to be taken, any action that would adversely affect the exclusion from gross income of the recipient thereof for federal income tax purposes of the interest on the 2020A Bonds, and, if it should take or permit, or omit to take or cause to be taken, any such action, the City will take or cause to be taken all lawful actions within its power necessary to rescind or correct such actions or omissions promptly upon having knowledge thereof. The City acknowledges that the continued exclusion of interest on the 2020A Bonds from the owner's gross income for federal income tax purposes depends, in part, on compliance with the arbitrage limitations imposed by Section 148 of the Code. The City covenants that it will comply with all the requirements of Section 148 of the Code, including the rebate requirements, and that it will not permit at any time any of the proceeds of the 2020A Bonds or other funds under its control be used, directly or indirectly, to acquire any asset or obligation, the acquisition of which would cause the 2020A Bonds to be "arbitrage bonds" for purposes of Section 148 of the Code. The Authorized Officers (as defined below) are hereby authorized to execute a Tax Certificate with respect to the 2020A Bonds.

Section 11. The Authorized Officers (as defined below) are hereby directed to create and establish a special fund to be designated "*City of Asheville, North Carolina General Obligation Refunding Bonds, Series 2020 Cost of Issuance Fund*" (the "*Costs of Issuance Fund*"). From the proceeds of the 2020 Bonds, the State Treasurer will cause the amount set forth in the Pricing Certificate needed to redeem the 2018 Note to be transferred to Bank of America, N.A., as registered owner of the 2018 Note, on March 23, 2020 or such other date as the Authorized Officers may determine, and transfer the balance of the proceeds from the sale of the 2020 Bonds to the Costs of Issuance Fund.

Proceeds on deposit in the Costs of Issuance Fund shall be used to pay the costs of issuance of the 2020 Bonds, if any, and shall be accounted for in a separate account or accounts held by the City. Funds on deposit in the Costs of Issuance Fund shall be invested and reinvested as permitted by the laws of the State of North Carolina. The City finance office shall keep and maintain adequate records pertaining to each account and all disbursements from each account so as to satisfy the requirements of the laws of the State of North Carolina and assure that the City maintains its covenants with respect to the exclusion of the interest on the 2020A Bonds from gross income for purposes of federal income taxation. To the extent any funds remain in the Costs of Issuance Fund on December 1, 2020, the remaining proceeds of

the 2020A Bonds will be applied to pay interest on the 2020A Bonds and the remaining proceeds of the 2020B Bonds will be applied to pay interest on the 2020B Bonds.

Section 12. Actions taken by officials of the City to select paying and transfer agents, and a bond registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

Section 13. The Commission is hereby requested to sell the 2020 Bonds through a negotiated sale to the Underwriter pursuant to the terms of the Bond Purchase Agreement at such prices as the Commission determines to be in the best interest of the City, subject to the approval of the Authorized Officers, as defined below, each such approval to be evidenced by the execution and delivery of the Bond Purchase Agreement. The 2020 Bonds will be sold at interest rates that result in a true interest cost not to exceed 5.00% and at a minimum purchase price of ninety-eight percent (98%) of the face value of the 2020 Bonds. The form and content of the Bond Purchase Agreement are in all respects approved and confirmed, and the Mayor, the Mayor Pro Tem, the City Manager, the Chief Financial Officer, the City Treasurer, or their respective designees (collectively, the *"Authorized Officers"*), are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Bond Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of the City Council's approval of any and all such changes, modifications, additions or deletions therein. From and after the execution and delivery of the Bond Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Bond Purchase Agreement as executed.

Section 14. The Authorized Officers and the City Clerk are hereby authorized and directed, individually and collectively, (1) to cause the 2020 Bonds to be prepared and (2) when they have been duly sold by the Commission, (a) to execute the 2020 Bonds and (b) to turn the 2020 Bonds over to the registrar and transfer agent of the City for delivery through the facilities of DTC to the Underwriter.

Section 15. The form and content of the Preliminary Official Statement, and the final Official Statement related to the 2020 Bonds which will be substantially in the form of the Preliminary Official Statement (the *"Final Official Statement"*), are in all respects authorized, approved and confirmed, and the Authorized Officers are authorized, empowered and directed to execute and deliver the Preliminary Official Statement and the Final Official Statement in substantially the form and content of the Preliminary Official Statement presented to the City Council, but with such changes, modifications, additions or deletions therein as he may deem necessary, desirable or appropriate. The City Council hereby approves the distribution of the Preliminary Official Statement and the Final Official Statement by the Underwriters in connection with the offer and sale of the 2020 Bonds.

Section 16. The Authorized Officers and the City Clerk are authorized and directed, individually and collectively, to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the documents contemplated in this Resolution or as may be deemed necessary or appropriate in order to implement and carry out the intent and purposes of this Resolution, including the on-going administration of the 2020 Bonds. All actions previously taken by any of the Authorized Officers and the City Clerk, or

their designee or those officers of the City authorized to act on their behalf, related to the 2020 Bonds and the proceedings therefor are hereby ratified and approved. Any provision in this Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively and any action authorized may be taken by anyone designated to act on their behalf.

Section 17. The City agrees, in accordance with Rule 15c2-12 (the "*Rule*") promulgated by the Securities and Exchange Commission (the "*SEC*") and for the benefit of the Registered Owners and beneficial owners of the 2020 Bonds, to provide to the MSRB:

(1) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2020, the audited financial statements of the City for the preceding Fiscal Year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or if such audited financial statements are not then available, unaudited financial statements of the City for such Fiscal Year to be replaced subsequently by audited financial statements of the City to be delivered within 15 days after such audited financial statements become available for distribution;

(2) by not later than seven months after the end of each Fiscal Year, beginning with the Fiscal Year ending June 30, 2020, the financial and statistical data as of a date not earlier than the end of the preceding Fiscal Year for the type of information included under the captions **"THE CITY--DEBT INFORMATION"** and **"--TAX INFORMATION"** (excluding information on overlapping and underlying units) in Appendix A of the Final Official Statement referred to in Section 15;

(3) in a timely manner not in excess of 10 business days after the occurrence of the event, notice of any of the following events with respect to the 2020 Bonds:

(a) principal and interest payment delinquencies;

(b) non-payment related defaults, if material;

(c) unscheduled draws on the debt service reserves reflecting financial difficulties;

(d) unscheduled draws on any credit enhancements reflecting financial difficulties;

(e) substitution of any credit or liquidity providers, or their failure to perform;

(f) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the 2020 Bonds, or other material events affecting the tax status of the 2020 Bonds;

(g) modification of the rights of the beneficial owners of the 2020

Bonds, if material;

(h) call of any of the 2020 Bonds other than pursuant to a sinking fund redemption, if material, and tender offers;

(i) defeasance of any of the 2020 Bonds;

(j) release, substitution or sale of any property securing repayment of the 2020 Bonds, if material;

(k) rating changes;

(l) bankruptcy, insolvency, receivership or similar event of the City;

(m) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to such actions, other than pursuant to its terms, if material;

(n) appointment of a successor or additional trustee or the change of name of a trustee, if material;

(o) incurrence of a financial obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect security holders, if material; and

(p) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City, any of which reflect financial difficulties; and

(4) in a timely manner, notice of the failure by the City to provide the required annual financial information described in (1) and (2) above on or before the date specified.

For purposes of this undertaking, "financial obligation" means (a) a debt obligation, (b) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (c) a guarantee of either clause (a) or (b) above. The term "financial obligation" shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with the Rule.

The City agrees that its undertaking under this Section is intended to be for the benefit of the registered owners and the beneficial owners of the 2020 Bonds and is enforceable by any of the registered owners and the beneficial owners of the 2020 Bonds, including an action for specific performance of the City's obligations under this Section, but a failure to comply will not be an event of default and will not result in acceleration of the payment of the 2020 Bonds. An action must be instituted, had and maintained

in the manner provided in this Section for the benefit of all of the registered owners and beneficial owners of the 2020 Bonds.

All documents provided to the MSRB as described in this Section shall be provided in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB. The City may discharge its undertaking described above by providing such information in a manner the SEC subsequently authorizes in lieu of the manner described above.

The City may modify from time to time, consistent with the Rule, the information provided or the format of the presentation of such information, to the extent necessary or appropriate in the judgment of the City, but:

(1) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law or change in the identity, nature or status of the City;

(2) the information to be provided, as modified, would have complied with the requirements of the Rule as of the date of each Official Statement, after taking into account any amendments or interpretations of the Rule as well as any changes in circumstances;

(3) any such modification does not materially impair the interest of the registered owners or the beneficial owners of the 2020 Bonds, as determined by nationally recognized bond counsel or by the approving vote of the registered owners of a majority in principal amount of the 2020 Bonds.

Any annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section terminate on payment, or provision having been made for payment in a manner consistent with the Rule, in full of the principal of and interest on the 2020 Bonds.

Section 18. Those portions of this Resolution other than Section 17 may be amended or supplemented, from time to time, without the consent of the owners of the 2020 Bonds if in the opinion of nationally recognized bond counsel, such amendment or supplement would not adversely affect the interests of the owners of such 2020 Bonds and would not cause the interest on the 2020A Bonds to be included in the gross income of a recipient thereof for federal income tax purposes, including, without limitation, amendments which may be necessary to maintain the book-entry system. This Resolution may be amended or supplemented with the consent of the owners of a majority in aggregate principal amount of the 2020 Bonds then outstanding, exclusive of such 2020 Bonds, if any, owned by the City, but a modification or amendment (1) may not, without the express consent of any owner of 2020 Bonds, reduce the principal amount of any such 2020 Bond, reduce the interest rate payable on it, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable, or reduce the percentage of consent required for amendment or modification and (2) as to an amendment to Section 17, must be limited as described therein.

Any act done pursuant to a modification or amendment consented to by the owners of the 2020 Bonds is binding on all owners of such 2020 Bonds and will not be deemed an infringement of any of the

provisions of this Resolution, whatever the character of the act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of this Resolution, and after consent has been given, no owner of such Bond has any right or interest to object to the action, to question its propriety or to enjoin or restrain the City from taking any action pursuant to a modification or amendment.

If the City proposes an amendment or supplemental resolution to this Resolution requiring the consent of the owners of the 2020 Bonds, the City shall cause notice of the proposed amendment to be sent to each owner of such 2020 Bonds then outstanding by first-class mail, postage prepaid, to the address of such owner as it appears on the registration books; but the failure to receive such notice by mailing by any owner, or any defect in the mailing thereof, will not affect the validity of any proceedings pursuant hereto. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies thereof are on file at the City for inspection by all owners of such 2020 Bonds. If, within 60 days or such longer period as shall be prescribed by the City following the giving of such notice, the owners of a majority in aggregate principal amount of such 2020 Bonds then outstanding have consented to the proposed amendment, the amendment will be effective as of the date stated in the notice.

Section 19. Nothing in this Resolution precludes (a) the payment of the 2020 Bonds from the proceeds of refunding bonds or (b) the payment of the 2020 Bonds from any legally available funds.

If the City causes to be paid, or has made provisions to pay, on maturity or on redemption before maturity, to the owners of the 2020 Bonds the principal of such 2020 Bonds (including interest to become due thereon) and, premium, if any, on such 2020 Bonds, through setting aside trust funds or setting apart in a reserve fund or special trust account created pursuant to this Resolution or otherwise, or through the irrevocable segregation for that purpose in some sinking fund or other fund or trust account with an escrow agent or otherwise, moneys sufficient therefor, including, but not limited to, interest earned or to be earned on Federal Securities, the City shall so notify each rating agency then rating the 2020 Bonds, and then, to the extent permitted by law, such 2020 Bonds shall be considered to have been discharged and satisfied, and the principal of such 2020 Bonds (including premium, if any, and interest thereon) shall no longer be deemed to be outstanding and unpaid; *provided, however*, that nothing in this Resolution requires the deposit of more than such Federal Securities as may be sufficient, taking into account both the principal amount of such Federal Securities and the interest to become due thereon, to implement any such defeasance.

If such a defeasance occurs and after the City receives an opinion of a nationally recognized verification agent that the segregated moneys or Federal Securities together with interest earnings thereon are sufficient to effect a defeasance with respect to such 2020 Bonds, the City shall execute and deliver all such instruments as may be necessary to effect such a defeasance and desirable to evidence such release, discharge and satisfaction. Provisions shall be made by the City, for the mailing of a notice to the owners of such 2020 Bonds that such moneys are so available for such payment.

Section 20. Any portion of the Bond Order remaining after the issuance of the 2020 Bonds will be deemed to be repealed and will no longer be considered authorized but unissued under the Bond Order.

Section 21. All acts and doings of any officer of the City that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the 2020 Bonds and the

execution, delivery and performance of the Bond Purchase Agreement are in all respects approved and confirmed.

Section 22. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions hereof or of the 2020 Bonds authorized hereunder.

Section 23. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 24. That this Bond Resolution is effective on the date of its adoption.

Read, approved and adopted this 14th day of January, 2020

Magdalen Bouleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

APPENDIX A

FORM OF 2020A BOND

CITY OF ASHEVILLE, NORTH CAROLINA
GENERAL OBLIGATION REFUNDING BOND, SERIES 2020A

No. RA- **$**

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: DOLLARS

The City of Asheville, North Carolina (the "*City*") acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner named above, on the Maturity Date specified above, upon surrender hereof, the Principal Sum shown above and to pay to the Registered Owner hereof interest thereon from the date of this 2020A Bond until it shall mature at the Interest Rate per annum specified above, payable on December 1, 2020 and semiannually thereafter on June 1 and December 1 of each year. Principal of and interest on this 2020A Bond are payable in immediately available funds to The Depository Trust Company ("*DTC*") or its nominee as registered owner of the 2020A Bonds and is payable to the owner of the 2020A Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The City is not responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

This 2020A Bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Bond Act, a bond resolution adopted by the City Council of the City on January 14, 2020 and a bond order adopted by the City Council of the City on January 14, 2020 and effective on the date of its adoption. The 2020A Bonds are issued to provide proceeds, together with proceeds from the 2020B Bonds, to refund the outstanding principal amount of the City's General Obligation Bond Anticipation Note, Series 2018 and to pay the costs of issuing the 2020A Bonds.

The 2020A Bonds maturing on or after June 1, 2031 may be redeemed before their maturities, at the option of the City, from any funds that may be available for such purpose, either in whole or in part on any date on or after June 1, 2030 at the redemption price of 100% of the principal amount of such 2020A Bond to be redeemed, together with accrued interest to the date fixed for redemption. If less than all 2020A Bonds are called for redemption, the City shall select the maturity or maturities of the 2020A Bonds to be redeemed in such manner as the City in its discretion may determine, and DTC and its

participants shall determine which of the 2020A Bonds within a maturity are to be redeemed in accordance with its rules and procedures.

If, at the time of such redemption, the book-entry system with respect to the 2020A Bonds is discontinued, the City shall select the portion of the 2020A Bonds to be redeemed by lot or in such manner as the City in its discretion may determine; provided, however, that the portion of any 2020A Bond to be redeemed must be in principal amount of $5,000 or integral multiples thereof and that, in selecting 2020A Bonds for redemption, each 2020A Bond is to be considered as representing that number of 2020A Bonds which is obtained by dividing the principal amount of such 2020A Bond by $5,000.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this 2020A Bond, exist, have been performed and have happened, and that the amount of this 2020A Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this 2020A Bond in accordance with its terms.

This 2020A Bond is not valid or obligatory for any purpose until the certification hereon has been signed by an authorized representative of the Local Government Commission.

IN WITNESS WHEREOF, the City has caused this 2020A Bond to be executed with the manual or facsimile signatures of the Mayor and the City Clerk and an original or facsimile of the seal of the City to be imprinted hereon and this 2020B Bond to be dated as of the Dated Date above.

CITY OF ASHEVILLE, NORTH CAROLINA

By:
Mayor
(SEAL)

By: _____
City Clerk

The issue hereof has been approved under the
provisions of The Local Government Bond Act.

GREG C. GASKINS
Secretary of the Local Government Commission

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

---

(Please print or typewrite Name and Address,
including Zip Code, and Federal Taxpayer Identification or
Social Security Number of Assignee)

---

the within 2020A Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

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Attorney to register the transfer of the within 2020A Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:
Signature guaranteed by:

NOTICE: Signature must be guaranteed by a Participant in the Securities Transfer Agent Medallion Program ("*Stamp*") or similar program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within 2020A Bond in every particular, without alteration, enlargement or any change whatever.

TRANSFER FEE MAY BE REQUIRED

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FORM OF 2020B BOND

CITY OF ASHEVILLE, NORTH CAROLINA
TAXABLE GENERAL OBLIGATION REFUNDING BOND, SERIES 2020B

No. RB- $

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM: DOLLARS

The City of Asheville, North Carolina (the "*City*") acknowledges itself indebted and for value received hereby promises to pay to the Registered Owner named above, on the Maturity Date specified above, upon surrender hereof, the Principal Sum shown above and to pay to the Registered Owner hereof interest thereon from the date of this 2020B Bond until it shall mature at the Interest Rate per annum specified above, payable on December 1, 2020 and semiannually thereafter on June 1 and December 1 of each year. Principal of and interest on this 2020B Bond are payable in immediately available funds to The Depository Trust Company ("*DTC*") or its nominee as registered owner of the 2020B Bonds and is payable to the owner of the 2020B Bonds shown on the records of DTC at the close of business on the 15th day of the month preceding an interest payment date or a bond payment date. The City is not responsible or liable for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

This 2020B Bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and pursuant to The Local Government Bond Act, a bond resolution adopted by the City Council of the City on January 14, 2020 and a bond order adopted by the City Council of the City on January 14, 2020 and effective on the date of its adoption. The 2020B Bonds are issued to provide proceeds, together with proceeds from the 2020A Bonds, to refund the outstanding principal amount of the City's General Obligation Bond Anticipation Note, Series 2018 and to pay the costs of issuing the 2020B Bonds.

The 2020B Bonds maturing on or after June 1, 2031 may be redeemed before their maturities, at the option of the City, from any funds that may be available for such purpose, either in whole or in part on any date on or after June 1, 2030 at the redemption price of 100% of the principal amount of such 2020B Bond to be redeemed, together with accrued interest to the date fixed for redemption.

If less than all 2020B Bonds are called for redemption, the City shall select the maturity or maturities of the 2020B Bonds to be redeemed in such manner as the City in its discretion may determine. If less than all of the 2020B Bonds of any one maturity are to be called for redemption, the City shall select the 2020B Bonds to be redeemed on a pro rata basis among all registered owners of the 2020B Bonds of such maturity based upon the principal amount of the 2020B Bonds owned by each such registered owner, provided that (a) the portion of any 2020B Bond to be redeemed shall be in only whole

multiples of $5,000 and (b) so long as the only registered owner of the 2020B Bonds is DTC or its nominee, such selection shall be made by DTC in accordance with its operating rules and procedures, which is currently by lot. If the only registered owner of the 2020B Bonds is a DTC or its nominee, the City shall request DTC to select the amount of each direct participant's interest in the 2020B Bonds of such maturity to be redeemed on a pro rata basis based upon the principal amount of their respective interests (and to inform its direct and indirect participant to select the 2020B Bonds for redemption in a like manner) but only to the extent permitted by DTC; provided, however, that the City shall not have any responsibility for ensuring that the 2020B Bonds are called for redemption in such a manner.

If, at the time of such redemption, the book-entry system with respect to the 2020B Bonds is discontinued, the City shall select the portion of the 2020B Bonds to be redeemed by lot or in such manner as the City in its discretion may determine; provided, however, the portion of any 2020B Bond to be redeemed must be in principal amount of $5,000 or integral multiples thereof and that, in selecting 2020B Bonds for redemption, each 2020B Bond is to be considered as representing that number of 2020B Bonds which is obtained by dividing the principal amount of such 2020B Bond by $5,000.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this 2020B Bond, exist, have been performed and have happened, and that the amount of this 2020B Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes. The faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this 2020B Bond in accordance with its terms.

This 2020B Bond is not valid or obligatory for any purpose until the certification hereon has been signed by an authorized representative of the Local Government Commission.

IN WITNESS WHEREOF, the City has caused this 2020B Bond to be executed with the manual or facsimile signatures of the Mayor and the City Clerk and an original or facsimile of the seal of the City to be imprinted hereon and this 2020B Bond to be dated as of the Dated Date above.

CITY OF ASHEVILLE, NORTH CAROLINA

By:
Mayor
(SEAL)

By: _____
City Clerk

200

The issue hereof has been approved under the provisions of The Local Government Bond Act.

GREG C. GASKINS
Secretary of the Local Government Commission

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

_____

(Please print or typewrite Name and Address,
including Zip Code, and Federal Taxpayer Identification or
Social Security Number of Assignee)

_____

the within 2020B Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____

Attorney to register the transfer of the within 2020B Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:
Signature guaranteed by:

_____

NOTICE: Signature must be guaranteed by a Participant in the Securities Transfer Agent Medallion Program ("*Stamp*") or similar program.

_____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within 2020B Bond in every particular, without alteration, enlargement or any change whatever.

TRANSFER FEE MAY BE REQUIRED

BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $23,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the "*City*") has previously issued its General Obligation Bond Anticipation Note, Series 2018 (the "*2018 Note*");

WHEREAS, the City Council of the City (the "*City Council*") deems it advisable to refund all of the outstanding principal amount of the 2018 Note;

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Asheville, North Carolina, as follows:

Section 1. The City Council deems it advisable to refund the 2018 Note.

Section 2. To raise the money required to pay the costs of refunding the 2018 Note as set forth above, General Obligation Refunding Bonds of the City in one or more series (the *"Refunding Bonds"*) are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such Refunding Bonds authorized by this bond order shall be and not exceed $23,000,000.

Section 3. Taxes will be levied in an amount sufficient to pay the principal and interest of the Refunding Bonds.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. This bond order shall take effect on its adoption.

Introduced on December 10, 2019, and read, approved and adopted on January 14, 2020.

Magdalen Bourneson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 20-11

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, the terms of Pratik Bhakta (Regular member) and Daniel Summerlin (Regular Member) on the Board of Adjustment expires on January 21, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Pratik Bhakta, 1 Acton Circle, Asheville, N.C. be and he is hereby reappointed as a Regular Member of the Board of Adjustment, to serve an additional three-year term, term to expire January 21, 2023, or until his successor has been appointed.

Mr. Daniel Summerlin, 18 Ridgewood Place, Asheville, N.C. be and he is hereby reappointed as a Regular Member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2023, or until his successor has been appointed.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bulleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

204

RESOLUTION NO. 20-12

RESOLUTION APPOINTING A MEMBER TO THE DOWNTOWN COMMISSION

WHEREAS, Brent Campbell, member on the Downtown Commission, resigned, thus leaving an unexpired term until December 31, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Robin Raines, 65 Furman Avenue, Asheville, N.C. be and she is hereby appointed as a member of the Downtown Commission, to serve the unexpired term of Mr. Campbell, term to expire December 31, 2021, or until her successor has been appointed.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bowerson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowerson
City Clerk

RESOLUTION NO. 20-13

RESOLUTION APPOINTING MEMBERS TO THE FIREMEN'S RELIEF FUND

WHEREAS, the terms of Raymond Tweed and Barbara Whitehorn, as members of the Firemen's Relief Fund, expired on January 1, 2020; and

WHEREAS, due to recent legislation adopted in 2016, each member is appointed to serve at the pleasure of City Council or until they resign;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Raymond Tweed,87 Westwood Place, Asheville, N.C., be and he is hereby reappointed, as a member of the Firemen's Relief Fund, to serve at the pleasure of City Council, or until they resign.

Ms. Barbara Whitehorn, Post Office Box, 7148, Asheville, N.C., be and she is hereby reappointed, as a member of the Firemen's Relief Fund, to serve at the pleasure of City Council or until they resign.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

206

RESOLUTION NO. 20-14

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Esther Manheimer, as a member on the Metropolitan Sewerage District Board of Directors, expires on January 19, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Esther Manheimer, Post Office Box 7148, Asheville, North Carolina, be and she is hereby reappointed to serve an additional three-year term, term to expire January 19, 2023, or until her successor has been appointed.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-15

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the terms of Darren Green (property/business owner), Tim Schaller (property/business owner in the Riverfront) and Carleton Collins (at-large) members of the Asheville Area Riverfront Redevelopment Commission, expire on January 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

_Darren Green, 99 Riverside Drive, Asheville, N.C. be and he is hereby reappointed as a member of the Asheville Area Riverfront Redevelopment Commission (as a property or business owner) to serve an additional three-year term, term to expire January 1, 2023, or until his successor has been appointed.

Tim Schaller, 46 Spears Avenue, Asheville, N.C. be and he is hereby reappointed as a member of the Asheville Area Riverfront Redevelopment Commission (as a property or business owner in the Riverfront area) to serve a three-year term, term to expire January 1, 2023, or until his successor has been appointed.

Carleton Collins, 105 Crandford Road, Asheville, N.C. be and he is hereby reappointed as a member of the Asheville Area Riverfront Redevelopment Commission (at-large) to serve a one-year term, term to expire January 1, 2021, or until his successor has been appointed.

Read, approved and adopted this 14th of January, 2020.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

208

RESOLUTION NO. 20-16

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Maggie Gulick, Anne Keller and Sonia Marcus (expertise in field of energy management) on the Sustainability Advisory Committee on Energy & the Environment expired on December 31, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ms. Maggie Gulick, 203 Courtland Avenue, Asheville, N.C. be and she is hereby reappointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve an additional three-year term, term to expire December 31, 2022, or until her successor has been appointed.

Ms. Anne Keller, 26 Sandon Drive, Asheville, N.C. be and she is hereby reappointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve an additional three-year term, term to expire December 31, 2022, or until her successor has been appointed.

Alison Ormsby, 74 Galax Avenue, Asheville, N.C. be and she is hereby reappointed as a member of the Sustainability Advisory Committee (expertise in field of energy management) on Energy & the Environment, to serve a three-year term, term to expire December 31, 2022, or until her successor has been appointed.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-17

RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION

WHEREAS, the terms of Ed Macie and Patrick Gilbert, a members on the Urban Forestry Commission, expired on December 31, 2019; and

WHEREAS, Guillermo Rodriguez has resigned, thus leaving an unexpired term until December 31, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Ed Macie, 46 Sunrise Drive, Asheville, N.C. be and he is hereby reappointed as a member of the Urban Forestry Commission, to serve an additional three-year term, term to expire December 31, 2022, or until his successor has been appointed.

Mr. Patrick Gilbert, 14 Stonebridge Drive, Asheville, N.C. be and he is hereby reappointed as a member of the Urban Forestry Commission, to serve a three-year term, term to expire December 31, 2022, or until his successor has been appointed.

Read, approved and adopted this 14th day of January, 2020.

Magdalen Bowlerson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlerson
City Clerk

210

RESOLUTION NO. 20-18

RESOLUTION DISSOLVING THE ENERGY INNOVATION TASK FORCE ESTABLISHED BY RESOLUTION NO. 16-64 AND ANTICIPATING THE ESTABLISHMENT OF THE BLUE HORIZONS COMMUNITY COUNCIL FOR THE PURPOSE OF ACHIEVING THE COMMUNITY-WIDE RENEWABLE ENERGY GOAL THROUGH THE BLUE HORIZONS PROJECT

WHEREAS, in 2016 the City, County and Duke Energy Progress agreed to establish the Energy Innovation Task Force to meet the goals of avoiding construction of an additional fossil fuel powered generating facility in Asheville and co-create a clean energy future for the region; and

WHEREAS, the initial goal of avoiding construction of the additional fossil fuel powered generating facility has been accomplished; and

WHEREAS, the Energy Innovation Task Force, City of Asheville, Buncombe County, and Duke Energy Progress desire to continue the transition to a cleaner, affordable and smarter energy future in the region by continuing the work of the collaborative under the new name of Blue Horizons Project Community Council; and

WHEREAS, per City Council Resolution No. 18-279, the City established a goal to transition to 100% renewable energy from fossil fuel energy by December 31, 2030 and support the County's community-wide goal to transition to 100% renewable energy from fossil fuel energy by December 31, 2042; and

WHEREAS, per County Commission Resolution No. 17-12-06, the County established a goal to transition to 100% renewable energy from fossil fuel energy by December 31, 2042; and

WHEREAS, the City, County and Duke Energy Progress will continue to co-convene the Blue Horizons Project Community Council to advance the City and County renewable energy goals through active community engagement and collaboration, deliberate investment in distributed energy resources and greater promotion of energy efficiency programs, subject to appropriate North Carolina Utilities Commission approval; and

WHEREAS, the Blue Horizons Project Community Council will include members from environmental and clean energy advocates, large and small businesses and local institutions; and

WHEREAS, supporting a clean energy future will foster protection of our natural resources, increase resiliency, and facilitate growth of the clean energy industry in our region; and

WHEREAS, the Blue Horizons Project Community Council will engage with our community to provide cost effective services, programs, and new products they value through investment in clean renewable ways to power Western North Carolina, while keeping rates competitive; and

WHEREAS, Buncombe County residents and businesses have the ability to seize this opportunity to use renewable energy and participate in energy efficiency and demand side management programs to increase the region's resiliency and to become a model to other communities in the state and around the country;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Energy Innovation Task Force, having now accomplished its goal, is hereby dissolved, with any of its residual or remaining objectives and purposes to be assumed by the Blue Horizons Project Community Council; and

The Blue Horizons Project Community Council is hereby anticipated to be established for the purpose of achieving the community-side renewable energy goal through the Blue Horizons Project

Read, approved, and adopted this the 28th day of January, 2020.

Magdalen Burleson
City Clerk

Edwin C. Hunt
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-19

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ISSUE A JOINT REQUEST FOR PROPOSALS FOR THE MANAGEMENT AND IMPLEMENTATION OF THE BLUE HORIZONS PROJECT AND BLUE HORIZONS PROJECT COMMUNITY COUNCIL

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-461, units of local government may enter into agreements with each other in order to jointly exercise any power or function of local government; and

WHEREAS, per City Council Resolution No. 13-288, the City adopted a resolution supporting a clean energy economy; and

WHEREAS, per City Council Resolution No. 18-05, the City adopted a resolution incorporating the recommendations from the Energy Innovation Task Force into the Sustainability Management Plan; and

WHEREAS, the Blue Horizons Project will engage our community to provide cost effective services, programs, and new products they value through investment in clean renewable ways to power Western North Carolina; and

WHEREAS, the joint City-County Energy Innovation Task Force will be dissolved and replaced by the Blue Horizons Project Community Council which will be implemented and managed by a local non-profit to be select by an RFP process; and

WHEREAS, City residents and businesses will have a greater ability to participate in the Blue Horizons Project through the Blue Horizons Project Community Council and seize the opportunity to use renewable energy and participate in energy efficiency and demand side management programs to increase the City's resilience;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an interlocal agreement with Buncombe County to issue a joint request for proposals to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

Read, approved, and adopted this the 28th day of January, 2020.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

212

RESOLUTION NO. 20-20

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRYANT LAND AND DEVELOPMENT SERVICES, INC. FOR THE PROJECT KNOWN AS STATE STREET ENHANCEMENTS

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as State Street Enhancements; and

WHEREAS, Bryant Land and Development Services, Inc. was the lowest responsible bidder for the project; and

WHEREAS Bryant Land and Development Services, Inc. shall provide all labor, materials and equipment for the construction of the Street Street enhancements; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Business Inclusion Program Manager with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract in the amount of $1,281,068.20 plus a 15 % contingency of $ 192,160.23 ($1,473,228.43 total) with Bryant Land and Development Services, Inc. for the project known as State Street Enhancements.

Read, approved and adopted this the 28th day of January, 2020.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-21

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN FIRST BAPTIST CHURCH AND THE CITY OF ASHEVILLE FOR CITY EMPLOYEE PARKING AT 5 OAK STREET

WHEREAS, N. C. Gen. Stat. sec. 160A-19 and N. C. Gen. Stat. sec. 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, First Baptist Church is the owner of real property located at 5 Oak Street, identified as PIN # 9649-51-7393-00000, which includes a sanctuary building, offices and a parking lot; and

WHEREAS, First Baptist Church is currently leasing twenty parking spaces to the City of Asheville and this lease expires February 29, 2020; and

WHEREAS, the City of Asheville wishes to continue this use and enter into a new lease for twenty-four months at a rate of $50.00 per space per month;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between First Baptist Church and the City of Asheville for property located at 5 Oak Street. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of January, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

214

RESOLUTION NO. 20-22

RESOLUTION AUTHORIZING ADDENDUM #3 TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND COUNTY DATED SEPTEMBER 2, 2003 (9-1-1 FUNDS)

WHEREAS, the City and County executed an Interlocal Agreement on September 2, 2003 outlining the County and City obligations for the City forgoing becoming a Primary PSAP, creating a consolidated call center ("the 2003 Agreement"), and how the expenses for the center will be paid; and

WHEREAS, on December 13, 2005, the City and County executed an addendum to the 2003 Interlocal Agreement establishing a new completion date for the consolidated public safety communication center paid for by the County; and

WHEREAS, on September 25, 2009, the City and County executed a second addendum to the 2003 Interlocal Agreement creating a joint agreement for the operation of the communication center; and

WHEREAS, pursuant to the 2009 Addendum, the County is responsible for purchasing and maintaining the equipment used to receive and dispatch 911 calls for service with the exception of radios; and

WHEREAS, the State of North Carolina never designated the City as a Primary PSAP and the City never received any funds from the 911 Board; and

WHEREAS, the 911 Board informed the County that it believes that the City meets the definition of a secondary PSAP; and

WHEREAS, the parties have the authority pursuant to Article 20 of N.C. Gen. Stat. Chapter 160A to enter into this Interlocal Agreement; and

WHEREAS, pursuant to N.C. Gen. Stat. § 1438-1400 *et seq.,* Buncombe County 911 Communications Center is a "Primary PSAP," defined in G.S. § 143B-1400 as the first point of reception of a 911 call by a public safety answering point; and,

WHEREAS, Buncombe County has or is about to enter into an "Agreement For 911 Fund Allocations to a Secondary PSAP" ("the State Agreement") with the North Carolina 911 Board (herein "911 Board"); and

WHEREAS, pursuant to that statute, the City through the Asheville Police Department maintains a secondary PSAP as defined by the State Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and sign addendum #3 to the intergovernmental agreement between the City and County dated September 2, 2003 (9-1-1 funds)

Read, approved and adopted this the 28th day of January, 2020.

Magdalen Bourneson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 20-23

RESOLUTION SUPPORTING THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION'S DEVELOPMENT OF A REGIONAL TRANSIT FEASIBILITY STUDY

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) allotted funding through the Unified Planning Work Program for a Regional Transit Feasibility Study (Phase 1) and Regional Transit Implementation Study (Phase 2) that is intended to stretch over FY20 and FY21; and

WHEREAS, this two-phase study aligns with the 2040 Metropolitan Transportation Plan (MTP), which recommends a "feasibility study to explore regional transit options" and recommends that the FBRMPO "coordinate efforts between transit providers to improve regional transit service;" and

WHEREAS, NCDOT's 2040 Statewide Transportation plan recommended increased focus on regional planning to increase flexibility and responsiveness while examining logistical needs through investments; and

WHEREAS, the FBRMPO region is growing in population and experiencing more cross-county commuting; and

WHEREAS, this study will serve as the first step towards improving public transit in the region by providing a deeper understanding of existing needs, system conditions, and recommendations for improvement; and

WHEREAS, the FBRMPO Board requested a resolution of support be sent to the cities and counties to be included in this study;

NOW, THEREFORE, BE IT RESOLVED by THE CITY COUNCIL OF THE CITY OF ASHEVILLE to support the French Broad River Metropolitan Planning Organization's development of a Regional Transit Feasibility Study.

Read, approved and adopted this the 28th day of January, 2020.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-24

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A REVIEW AND INSPECTION AGREEMENT WITH THE N.C. DEPARTMENT OF TRANSPORTATION (NCDOT) FOR THE NCDOT TO PERFORM DESIGN REVIEW AND INSPECTION OF THE ADDITION OF PEDESTRIAN PHASING AT THE INTERSECTION OF OVERLOOK ROAD AND PINCHOT DRIVE

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S 160A-296 to maintain and control those areas of sidewalks within its jurisdiction that are not owned by the N.C. Department of Transportation (NCDOT); and

WHEREAS, the City has plans to construct a new sidewalk along NC 3503 (Overlook Rd.) from Pinchot Dr. to Briarcliff Dr. ; and

WHEREAS, the NCDOT and the City of Asheville agree that pedestrian phasing is needed at the intersection of Pinchot Dr. and Overlook Rd.; and

WHEREAS, the City has prepared the appropriate designs to add pedestrian phasing and will be furnishing and installing the equipment and crosswalks;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a review and inspection agreement with the N.C. Dept. of Transportation for the N.C. Dept. of Transportation to perform design review and inspection of the addition of pedestrian phasing at the intersection of Overlook Road and Pinchot Drive and to submit payment not to exceed the City Manager's Council authorized financial approval limit.

Read, approved and adopted this 28th day of January, 2020.

Magdalen Bruleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

RESOLUTION NO. 20 - 25

RESOLUTION ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE

WHEREAS, world leaders have recognized the urgent need to combat climate change by signing the Paris Agreement, agreeing to keep global warming "below 2°C above pre-industrial levels," and pursuing "efforts to limit the temperature increase to 1.5°C"; and

WHEREAS, in 2016 Mayor Esther Manheimer signed the Paris Climate Agreement on behalf of the City of Asheville (the "City"); and

WHEREAS, the loss of life and damage caused by current global warming demonstrates that the Earth is already too hot for safety and has resulted in the increased frequency and intensity of wildfires, floods, sea level rise, disease, drought, and extreme weather; and

WHEREAS, according to the United Nations' Special Rapporteur on Extreme Poverty, a 1.5°C increase in global temperature could expose 500 million people to water poverty, 36 million people to food insecurity because of lower crop yields, and 4.5 billion people to heat waves; and

WHEREAS, in October 2018, the United Nations released a special report which projected that limiting warming to even a 1.5°C target this century will require an unprecedented transformation of every sector of the global economy by 2030; and

WHEREAS, the United States of America and other industrialized countries have disproportionately contributed to climate change and accordingly bear an extraordinary responsibility in rapidly solving this crisis; and

WHEREAS, scientists have warned that we are currently overshooting our ecological limits and potentially driving the sixth mass extinction of species that could devastate much of life on Earth for millennia, and pose as great a risk to humanity as climate change, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services; and

WHEREAS, restoring a safe and stable climate requires an emergency climate mobilization on a scale not seen since World War II in order to: (1) reach zero greenhouse gas ("GHG") emissions across all sectors of the economy, (2) rapidly and safely drawdown and remove all excess carbon from the atmosphere until safe, pre-industrial climate conditions are restored, and (3) implement measures to protect all people and species from the consequences of an abrupt climate breakdown; and

WHEREAS, such necessary measures to restore a safe climate include: (1) a rapid and just phase-out of fossil fuels; (2) ending GHG emissions as quickly as possible to establish a zero-emissions economy; (3) a widespread effort to safely drawdown excess carbon from the atmosphere; and (4) a full transition to a regenerative agriculture system; and (5) widespread conservation and restoration of ecosystems; and

WHEREAS, justice requires that frontline and marginalized communities actively

participate in the planning and implementation of this climate mobilization effort and equally benefit from the transition to a climate-safe economy; and

WHEREAS, the scope and scale of action necessary to stabilize the climate and biosphere will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement effective, just, and equitable policies to address the climate emergency; and

WHEREAS, at present, the City does not currently have the local legislative authority to phase out fossil fuel production, power generation, or use within the City as a whole; and

WHEREAS, the City adopted Resolution 11-77 to increase its Municipal Carbon Footprint reduction goal to 4% annually on April 12, 2011, and as of 2017 the City had achieved a 31% reduction; and

WHEREAS, the City adopted Resolution 13-228 Supporting a Clean Energy Economy on October 22, 2013; and

WHEREAS, the City adopted Resolution 15-200 for a Community Clean Energy Policy Framework on October 27, 2015; and

WHEREAS, the City adopted Resolution 16-64 establishing a joint City, County and Utility Energy Innovation Task Force ("EITF") for the purpose of researching, prioritizing, recommending, and implementing recommendations to create energy efficiency, demand-side management and renewable energy opportunities to reduce energy use in Buncombe County on March 22, 2016; and

WHEREAS, the work of the EITF and its partners successfully achieved, among other notable accomplishments, the long-term and likely permanent delay to the construction of an additional natural gas fired peaking power plant at Duke Energy's Lake Julian facility; and

WHEREAS, the City adopted Resolution 17-119 supporting a state goal of 100% renewable energy by 2050 and increased protection for standing forests and the creation of green jobs on June 13, 2017; and

WHEREAS, in 2018 Buncombe County and the City adopted Resolution 18-279 that committed the City to transitioning all municipal operations to 100% renewable energy by December 31, 2030, and a community energy use to 100% renewable energy goal by 2042; and

WHEREAS, starting in 2018, the City initiated a climate resilience assessment in cooperation with the National Environmental Modeling & Analysis Center where representatives from all 14 City departments, along with community members and environmental sustainability experts, were assembled to discuss the latest climate science and develop a climate resilience strategy that would allow the City and community to adapt and become more resilient to climate change; and

WHEREAS, in 2019 the City completed its resiliency process and released a Climate

Resilience Resource Guide that provides strategies for community members to become more resilient to the extreme weather caused by climate change; and

WHEREAS, in 2014, the City adopted Resolution 14-27, which committed the City to a 50% reduction in waste by 2035; and

WHEREAS, in 2017 the City adopted Resolution 17-257, which established a Food Policy Action Plan to increase food access and distribution, support sustainable agriculture practices in locally grown foods, and expand community food education; and

WHEREAS, in 2018, the City purchased five electric buses and adopted a Transit Master Plan that calls for a massive expansion of the City's transit system to better serve people who have to ride the bus and to give elective riders a viable option to driving; and

WHEREAS, the above-listed resolutions and associated work plans collectively constitute a multifaceted response to the climate crisis we face; and

WHEREAS, the City has been an environmental leader and must **accelerate** its efforts to create an ecologically regenerative local economy that is socially, racially, and economically just. The City must accomplish this task **at emergency speed**, through broad community mobilization and by advocating for the regional, national, and international efforts needed to reverse global warming and our current ecological crisis; and

WHEREAS low-income communities and communities of color in Asheville and Buncombe County have historically faced unfair levels of displacement, violence, discrimination, and governmental apathy and underfunding; currently face unequal access to suitable housing, education, health services, and healthy food; and are projected to be more heavily impacted by the effects of climate change due to a lack of the funding and resources necessary for stability and resiliency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City declares that a climate and ecological emergency threatens our city, region, state, nation, civilization, humanity, and the natural world; and

2. The City commits to an equitable and just citywide mobilization effort to reverse global warming that, if met with all necessary financial and regulatory assistance and authorization from State and Federal authorities, would end citywide GHG emissions as quickly as possible and no later than 2030. Further, the City commits to more deeply incorporate sustainability considerations into its departmental decision making and programs; and

3. The City recommits to its current annual and overall carbon and GHG reduction goals and **recommits to evaluate these goals as necessary** to identify additional adaptation and resilience strategies in preparation for intensifying local climate impacts; and

4. The City will continue to recognize that the full participation, inclusion, support, and leadership of community organizations, faith communities, youth, labor organizations, academic institutions, indigenous groups, and racial, gender, family, immigrant and disability justice organizations and other allies are integral to an equitable response and mobilization effort; and

5. The City recognizes the need for and supports additional public engagement throughout the city and county to discuss the current climate emergency and develop a plan to reach the community's renewable energy and GHG reduction goals. This outreach must ensure the voices of marginalized communities are included. This input will be incorporated into the city's Climate Justice Plan and the broader community wide plan. The city and SACEE commit to engaging community partners in holding an initial public input session in May 2020; and

6. The City will continue to utilize and revise the City's Comprehensive Plan, *Living Asheville*, as a tool to identify land use and zoning authority in order to reduce GHG emissions and adopt climate-adaptive land use strategies. The city will incorporate the Climate Justice Plan into the Comprehensive Plan and all other plans as appropriate; and

7. City Council commits to discussing how to generate the revenue needed to fund its carbon reduction, 100% renewable, waste, energy, transit, and urban forestry goals at its 2020 annual retreat; and

8. The City hereby recognizes that there is a global climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes, and supports the passage of legislation that would initiate a national emergency-speed mobilization to reverse global warming and the ecological crisis described in this Resolution, which could include, but not be limited to, **H.Con.Res.52 and S.Con.Res.22,** a carbon fee and dividend policy, cap and trade policy, or other similar comprehensive GHG emission reduction policy; and

9. The City commits to call on Buncombe County, sister North Carolina municipalities, the State of North Carolina, the United States Congress, the President of the United States, and all governments and people worldwide to declare a climate emergency and cooperatively initiate a climate mobilization to reverse global warming and the ecological crisis, and provide maximum protection for all people and species of the world; and

10. The City Council supports the delivery of this resolution to all relevant State and Federal agencies and elected representatives representing constituents within the City along with a request that all necessary support and assistance needed to effectuate this resolution be provided as soon as possible; and

11. The City will also continue to provide an annual Sustainability Management Report regarding its efforts to expand renewable energy use and maximize GHG emission reductions within each energy sector. As required by City Resolution

18-279 (100% Renewable Energy Resolution) the Sustainability Management Report will also indicate: (A) whether the City is on track to meet its renewable energy transition goals, and (B) whether adequate funding has been allocated by City Council to fund the necessary renewable energy transition goals; and

12. The City will engage with all relevant local, and state entities to identify the feasibility of and opportunities for gaining local authority to phase out fossil fuel production, power generation, and use within the City; and

13. Through the City's Capital Improvement Plan ("CIP") and budget process, the City will identify the projects and funding needed to fulfill the City's existing 100% renewable and carbon reduction goals and address the current climate and ecological emergency. When identifying funding needs, the City Manager will report to City Council whether existing funding is sufficient or if additional revenues will be needed; and

14. City Council supports staff efforts to consolidate the various separate sustainability goals and department initiatives into an updated Climate Justice Plan by December 2020; and

15. Beginning in fiscal year 2021 (which begins in 2020), the City will consider GHG emissions in its assessment of CIP project requests and provide a sustainability impact statement for all new CIP projects included in the Adopted Annual Budget Document; and

16. The City commits to keeping the concerns of vulnerable communities central to all climate program planning processes and to invite and encourage such communities to actively participate in the development and implementation of the City's climate change mitigation and adaptation efforts. This engagement should result in real benefits for these communities without exacerbating the current lack of affordable housing within the City. Examples of such benefits include, but are not limited to, pollution reduction, healthier homes, and reduced energy costs; and

17. The City will work with business, land development, and other private sectors to identify and incentivize effective ways to reduce GHG emissions and meet our community wide 100% renewable energy goal; and

Read, approved and adopted this the 28th day of January, 2020.

Magdalen Bollinson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bollinson
City Clerk

RESOLUTION NO. 20-26

RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE ANNUAL TRANSIT PASSES TO BOARD MEMBERS OF CITY MANAGED BOARDS AND COMMISSIONS

WHEREAS, the City Council of the City of Asheville ("City Council") has authority pursuant to N.C.G.S. § 160A- 146 to establish boards and commissions to provide orderly and efficient city administration; and

WHEREAS, City Council desires to provide annual transit passes as an incentive and thank you to volunteers offering their time and service on city boards and commissions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to issue annual transit passes to board members of city managed boards and commissions.

Read, approved and adopted this the 11th day of February, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-27

RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON FEBRUARY 25, 2020, TO CONSIDER AN ORDINANCE TO APPROVE AN ANNEXATION AGREEMENT BETWEEN THE CITY AND THE TOWN OF FLETCHER CONCERNING PROPERTY LOCATED AT 9 BRIAN BLVD. IN BUNCOMBE COUNTY

WHEREAS, the City of Asheville has received a petition to annex a 2.01 acre property located at 9 Brian Boulevard (PIN # 9643-85-3550) in Buncombe County (the "Property") which is non-contiguous to the primary corporate limits of Asheville and is closer to the primary corporate limits of the Town of Fletcher; and

WHEREAS, pursuant to sections 160A-58.1 and 160A-58.23 of the North Carolina General Statutes the City has the authority to annex a non-contiguous area that is closer to the primary corporate limits of another municipality as long as the City and the other municipality enter into an Annexation Agreement; and

WHEREAS, The Town of Fletcher has expressed its willingness to enter into an Annexation Agreement, valid for a period of 20 years, in which they agree not to seek to annex the Property; and

WHEREAS,approval of the Annexation Agreement by the City of Asheville does not bind it to annex the Property and the actual annexation would be considered at a later date and a separate public hearing;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Clerk to advertise for a Public Hearing to be held on February 25, 2020, to consider an ordinance to approve entering into an Annexation Agreement between the City and the Town of Fletcher.

Read, approved and adopted this 11th day of February, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-28

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA SPECIALTIES CONSTRUCTION, LLC., FOR THE JAKE RUSHER IMPROVEMENTS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Jake Rusher Improvements Project, City of Asheville Project # 298-X1706; and

WHEREAS, the Carolina Specialties Construction, LLC of Hendersonville, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, the amount of the bid is $975,274, and funding for the project is allocated within the GO Bond Program Fund and Parks and Recreation CIP budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Carolina Specialties Construction, LLC in the amount of $975,274, for the Jake Rusher Improvements project; further authorizing the City Manager to execute any change orders that may arise during the project up to the 10% construction contingency amount of $97,527.40.

Read, approved, and adopted this the 11th day of February 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20 - 29

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT A GRANT FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 METROPOLITAN PLANNING PROGRAM OF THE FEDERAL TRANSIT ADMINISTRATION

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants; and

WHEREAS, funds for Fiscal Year 20-21 are available from the N.C. Dept. of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has received financial assistance in the amount of $75,000 for the cost of transit planning from the NCDOT; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $7,500 which is budgeted in the Transit Services Fund budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and accept a grant from the N.C. Dept. of Transportation to fund the transit planning program, Section 5303 Metropolitan Planning Program of the Federal Transit Administration for Fiscal Year 20-21 and to execute any and all documents necessary to give effect to this action.

Read, approved and adopted this 11 day of February 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-30

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE ADE PROJECT, LLC FOR THE ASHEVILLE BUSINESS INCLUSION OFFICE TECHNICAL ASSISTANCE PROGRAM

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, at the end of 2018, the City received the results of a Disparity Study which reviewed the participation of minority- and women-owned businesses in City contracting; and

WHEREAS, the Disparity Study showed substantial disparities in certain areas of contracting, especially with our African-American community; and

WHEREAS, in order to begin to address some of these disparities, the City issued a Request For Proposals (RFP) for a community-led training and technical assistance program concentrating on small businesses and startups owned by African Americans as well as other minorities identified by the Disparity Study; and

WHEREAS, after reviewing the Responses to the RFP submitted by the offerors, City staff recommends that the City enter into a contract with the ADE Project, LLC to conduct this community-led training and technical assistance program; and

WHEREAS, City staff recommends the execution of a contract with a term of one (1) year, with an effective start date of January 1, 2020, in an amount not to exceed $95,000; and

WHEREAS, the monies for the initial term of this contract have been budgeted in the Community and Economic Development Department;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and enter into a contract on behalf of the City of Asheville with ADE Project, LLC in an amount not to exceed $95,000 and further authorized to execute any documents necessary to give effect to this resolution.

Read, approved and adopted this the 11th day of February 2020.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-31

RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council will hold a worksession regarding an update to hotel development standards on Tuesday, February 25, 2020, at 3:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 11th day of February, 2020.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-32

RESOLUTION APPROVING THE ISSUANCE OF UP TO $17,850,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR ARROWHEAD APARTMENTS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE

WHEREAS, the City Council (the "City Council") of the City of Asheville, North Carolina (the "City") met in Asheville, North Carolina at 5:00 p.m. on the 11th day of February, 2020; and

WHEREAS, the Housing Authority of the City of Asheville, North Carolina (the "Issuer") has tentatively agreed to issue its multifamily housing revenue bonds in an amount not to exceed $17,850,000 (the "Bonds"), for the purpose of financing the acquisition, rehabilitation and equipping by Arrowhead Renewal LP, a North Carolina limited partnership, or an affiliated or related entity (the "Borrower"), of a multifamily residential rental facility known as Arrowhead Apartments (the "Development"); and

WHEREAS, the Development consists of approximately 116 units located in four residential buildings on an approximately 8-acre site at 100 Cheerio Lane, Asheville, North Carolina; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any bonds issued by the Issuer for the Development may only be issued following a public hearing with respect to such bonds and after approval of the plan of financing by the City Council of the City; and

WHEREAS, on November 7, 2019, the Issuer held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City for the payment of the principal of or premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, or to constitute the Bonds or any of the agreements or obligations of the Issuer an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

1. The proposed issuance by the Housing Authority of the City of Asheville of its multifamily housing revenue bonds in an amount not to exceed $17,850,000 to finance, in part, the costs of the acquisition, rehabilitation and equipping of the Development described above by the Borrower is hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately.

Read, approved and adopted this 11th day of February, 2020.

Magdalen Bousson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bousson
City Clerk

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RESOLUTION NO. 20-33

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED PORTION OF THE RIGHT-OF-WAY OF MERRITT PARK LANE AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR MARCH 10 2020

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened portion of right of way of Merritt Park Lane; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened portion of right-of-way of Merritt Park Lane, described as :

Beginning at a rebar and cap "Johnny White"(JW) with a NAD83(2011) coordinate North=688,875.91 sft, East=941,294.43 sft at the end of the pavement of Merritt Street; thence with the northeast right of way line of former Merritt Street, South 32 degrees 33 minutes 31 seconds East 116.24 feet; thence South 32 degrees 33 minutes 31 seconds East 34.24 feet to a rebar and cap JW coordinate North=688,749.09 sft, East=941,375.41 sft; thence South 36 degrees 59 minutes 35 seconds West 89.18 feet to a rebar and cap JW coordinate North=688,677.86 sft, East=941,321.75 sft; thence across said right of way North 50 degrees 01 minute 58 seconds West 36.25 feet to rebar and cap "Spencer P-1720" coordinate North=688,701.14 sft, East=941,293.97 sft; thence with the western edge of said right of way North 39 degrees 22 minutes 9 seconds East 74.42 feet to a rebar and cap JW coordinate North=688,758.67 sft, East=941,341.17 sft; thence North 33 degrees 19 minutes 38 seconds West 115.46 feet to a rebar and cap "Mattern & Craig" coordinate North=688,855.14 sft, East=941,277.74 sft; thence North 38 degrees 47 minutes 49 seconds East 26.65 feet to the point of beginning. Being 6,073 square feet, 0.139 acre, as shown on Exhibit A titled "Closed portion of unopened Merritt Park Lane" dated 20200130.

This closure is subject to the retention by the Metropolitan Sewerage District of Buncombe County (MSD), its successors and assigns, of a 20-foot wide (20') permanent easement for the operation and maintenance of sewer lines and accessories recorded in Deed Book 5333 at Page 1399 in the Buncombe County Registry.

2. A public hearing on the question of permanently closing an unopened right-of-way off off Merritt Park Lane is hereby called for on March 10, 2020, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on March 10, 2020.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along an unopened right-of-way-of-way off Merritt Park Lane. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 11th day of February, 2020.

Magdalen Bullock
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

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RESOLUTION NO. 20-34

RESOLUTION URGING CONGRESSIONAL PASSAGE OF H.R. 763 – ENERGY INNOVATION AND CARBON DIVIDEND ACT TO ADDRESS CLIMATE CHANGE

WHEREAS, an Intergovernmental Panel on Climate Change issued a special report on the impacts of global warming of 1.5 °C above pre-industrial levels in October 2018 warning that global warming is likely to reach 1.5°C between 2030 and 2052 if it continues to increase at the current rate; and

WHEREAS, the United Nations climate science body said in a monumental climate report that we have only 12 years left to make massive and unprecedented changes to global energy infrastructure to limit global warming to moderate levels; and

WHEREAS, the United States government released its Fourth Annual Climate Assessment in November 2018 reporting that the impacts of climate change are already being felt in communities across the country, and that more frequent and intense extreme weather and climate-related events, as well as changes in average climate conditions, are expected to continue to damage infrastructure, ecosystems, and social systems that provide essential benefits to communities; and

WHEREAS, conservative estimates by the world's climate scientists state that to achieve climate stabilization and avoid cataclysmic climate change, emissions of greenhouse gases (GHGs) must be brought to 80-95% below 1990 levels by 2050; and

WHEREAS, presently the environmental, health, and social costs of carbon emissions are not included in prices paid for fossil fuels, but rather these externalized costs are borne directly and indirectly by all Americans and global citizens; and

WHEREAS, to begin to correct this market failure, Congress can enact the Energy Innovation and Carbon Dividend Act to assess a national carbon fee on fossil fuels based on the amount of CO_2 the fuel will emit when burned and allocate the collected proceeds to all U.S. Households in equal shares in the form of a monthly dividend; and

WHEREAS, for efficient administration, the fossil fuels fee can be applied once, as far upstream in the economy as practical, or at the port of entry into the United States; and

WHEREAS, as stated in the Energy Innovation and Carbon Dividend Act of 2019, H.R. 763, a national, revenue-neutral carbon fee starting at a relatively low rate of $15 per ton of CO2 equivalent emissions and resulting in equal charges per ton of CO2 equivalent emissions potential in each type of fuel or greenhouse gas should be assessed to begin to lower what are now dangerously high CO2 emissions. The yearly increase in carbon fees including other greenhouse gases, shall be at least $10 per ton of CO2 equivalent each year, with the Department of Energy determining whether an increase larger than $10 per ton per year is needed to achieve program goals; and

WHEREAS, the Energy Innovation and Carbon Dividend Act of 2019, H.R. 763, specifies that, in order to protect low and middle income citizens from the economic impact of rising prices due to the carbon fee, equal monthly per-person dividend payments shall be made to all American households (½ payment per child under 19 years old) each month from the fossil fuel fees collected. The total value of all monthly dividend payments shall represent 100% of the net carbon fees collected per month; and

WHEREAS, the Energy Innovation and Carbon Dividend Act of 2019, H.R. 763, encourages market-driven innovation of clean energy technologies and market efficiencies which will reduce harmful pollution and leave a healthier, more stable, and more prosperous nation for future generations; and

WHEREAS, the Energy Innovation and Carbon Dividend Act of 2019, H.R. 763, will, after 12 years, lead to a decrease in America's C02 emissions of 40 percent and an increase in national Employment of 2.1 million jobs; and

WHEREAS, border adjustments - carbon content-based tariffs on products imported from countries without comparable carbon pricing, and refunds to our exporters of carbon fees paid - can maintain the competitiveness of U.S. businesses in global markets; and

WHEREAS, a national carbon fee can be implemented quickly and efficiently, and will respond to the urgency of the climate crisis because the federal government already has in place mechanisms, such as the Internal Revenue Service, needed to implement and enforce the fee, and already collects fees from fossil fuel producers and importers; and

WHEREAS, A national revenue-neutral carbon fee would make the United States a leader in mitigating climate change and in the clean energy technologies of the 21st century and would provide incentive to other countries to enact similar carbon fees, reducing global C02 emissions without the need for complex international agreements, and

WHEREAS, On April 24, 2018, the City Council of the City of Asheville adopted Resolution 18-92, "Resolution in support of Federal Congressional action to adopt legislation for a carbon fee and dividend policy to address climate change";

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville urges the United States Congress to pass H.R. 763 — Energy Innovation and Carbon Dividend Act of 2019.

Read, approved, and adopted this the 11th day of February, 2020.

Magdalen Bullerson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 20-35

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK STREET

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right-of-way known as Oak Street; and

WHEREAS, City Council on the 14th day of January, 2020, adopted a Resolution of Intent to permanently close an unopened right-of-way known as Oak Street, and ordering a public hearing on the question of the closing for the 11th day of February, 2020, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along an unopened right of way known as Oak St; and

WHEREAS, the City Council held a public hearing on the closure on February 11, 2020, and following the hearing, it appears to the satisfaction of the Council that closing the right-of-way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes an unopened right-of-way known as Oak Street, described as follows: Situated in the City of Asheville, County of Buncombe, and State of North Carolina: 8,474 SF of r/w, 30' wide by 282.47', beginning at Peachtree Rd in a northern manner and terminating south of Nettlewood Road.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 11th day of February, 2020 .

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-36

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right-of-way between Midway Drive and Willis Way; and

WHEREAS, City Council on the 14th day of January, 2020, adopted a Resolution of Intent to permanently close an unopened right-of-way between Midway Drive and Willis Way, and ordering a public hearing on the question of the closing for the 11th day of February, 2020, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right-of-way between Midway Drive and Willis Way; and

WHEREAS, the City Council held a public hearing on the closure on February 11, 2020, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes an unopened right-of-way between Midway Drive and Willis Way, described as follows: Situated in the City of Asheville, County of Buncombe, and State of North Carolina:

> Being known as the lands between Lots 1-A, 1 1/2 -A and 2-A of Plat Book 198, Page 164 recorded in the Buncombe County Register of Deeds further bounded and described as Follows:
>
> Beginning at a Rebar with Cap found along the southern margin of the right of way of Midway Drive at the northwest corner of lot 1 1/2 - A of the aforementioned plat, said beginning point being North 62015'27" West a distance of 152.92 feet from a magnetic nail set in the asphalt at the east corner of said lot 1 1/2 - A;
>
> Thence South 05038'34" West a distance of 103.41 feet with the western margin of lots 1-A and 1 1/2 - A of the aforementioned plat to a nail set in a cobble-lined ditch along the northern right of way of Willis Way;
>
> Thence along the northern margin of the right of way of Willis Way South 77041'55" West a distance of 10.51 feet to a Rebar with Cap found at the southeast corner of lot 2-A of the

aforementioned plat;

Thence with the eastern margin of said lot 2-A North 05038'34" East a distance of 110.70 feet to a Rebar with Cap set along the southern margin of the right of way of Midway Drive at the northeast corner of said lot 2-A;

Thence along the southern margin of the right of way of Midway Drive South 62015'37" East a distance of 10.79 feet to the Point of Beginning, containing 1,070 square feet more or less based on a field survey performed September 9, 2019 by Robert Brady of Blackrock Surveying and Land Design, P.C.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 11th day of February, 2020 .

Magdalen Bullison
City Clerk

Edwin E. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 20-37

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF FEDERAL ALLEY

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of Federal Alley; and

WHEREAS, City Council on the 14th day of January, 2020, adopted a Resolution of Intent to permanently close a portion of Federal Alley, and ordering a public hearing on the question of the closing for the 11th day of February, 2020, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along Federal Alley; and

WHEREAS, the City Council held a public hearing on the closure on February 11, 2020, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes a portion of Federal Alley, described as 1253 sf of right of way along Federal Alley as described in Plat Book 7, Page 19 of the Buncombe County Register of Deeds.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 11th day of February, 2020 .

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

238

RESOLUTION NO. 20-38

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, Ms. Christine Sykes Lowe has resigned from the Civic Center Commission, thus leaving an unexpired term until June 30, 2020; and

WHEREAS, Mr. Kyle Smith has resigned from the Civic Center Commission, thus leaving an unexpired term until June 30, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

John W. Ellis, 7 Aspen Way, Asheville, N.C., be and he is hereby appointed as a member to the Civic Center Commission to serve the unexpired term of Ms. Lowe, term to expire June 30, 2020, and then a full three-year term, term to expire June 30, 2023, or until his successor has been appointed.

Mukunda Pacifici, 35 Griffing Boulevard, Asheville, N.C., be and he is hereby appointed as a member to the Civic Center Commission to serve the unexpired term of Mr. Smith, term to expire June 30, 2021, term to expire June 30, 2020, or until his successor has been appointed.

Read, approved and adopted this 11th day of February, 2020.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-39

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Justin Thompson has resigned, thus leaving an unexpired term until June 30, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Elizabeth Lafitte, 100 River Mill Drive, Asheville, N.C., be and she is hereby appointed to serve as a member of the Recreation Board to fill the unexpired term of Mr. Thompson, term to expire June 30, 2021, or until her successor has been duly appointed.

Read, approved and adopted this 11th day of February, 2020.

Magdalen Bullock
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

240

RESOLUTION NO. 20-40

RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION

WHEREAS, Guillermo Rodriguez has resigned, thus leaving an unexpired term until December 31, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Perrin de Jong, 83 Covington Street, Asheville, N.C. be and he is hereby appointed as a member of the Urban Forestry Commission, to serve the unexpired term of Mr. Rodriguez, term to expire December 31, 2020, or until his successor has been appointed.

Read, approved and adopted this 11th day of February, 2020.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 20-41

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AUSTIN CONSTRUCTION AND GRADING COMPANY FOR THE ELSIE'S BRIDGE GREENWAY CONNECTOR PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the Elsie's Bridge Greenway Connector project, City of Asheville Project #1822; and

WHEREAS, the Austin Construction and Grading Company of Horse Shoe, NC was the lowest responsible bidder for the project; and

WHEREAS, the Austin Construction and Grading Company shall provide all labor, materials, and equipment for the construction of Elsie's Bridge Greenway Connector project; and

WHEREAS, the amount of the bid is $108,759.08, and funding for the project is allocated within the 2016 General Obligation (G.O.) Bond Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Austin Construction and Grading Company in the amount of $108,759.08, for the Elsie's Bridge Greenway Connector project.

Read, approved, and adopted this the 25th day of February, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

242

RESOLUTION NO. 20-42

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PIEDMONT UTILITY GROUP, INC. FOR THE REED CREEK GREENWAY EXTENSION PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the Reed Creek Greenway Extension project, City of Asheville Project #1821; and

WHEREAS, the Piedmont Utility Group, Inc. of Mooresboro, NC was the lowest responsible bidder for the project; and

WHEREAS, the Piedmont Utility Group, Inc. shall provide all labor, materials, and equipment for the construction of Reed Creek Greenway Extension project; and

WHEREAS, the amount of the bid is $149,523.50, and funding for the project is allocated within the 2016 General Obligation (G.O.) Bond Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Piedmont Utility Group, Inc. in the amount of $149,523.50, for the Reed Creek Greenway Extension project.

Read, approved, and adopted this the 25th day of February, 2020.

Magdalen Bowleson
City Clerk

Esther A. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-43

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HAZEN AND SAWYER FOR PROFESSIONAL SERVICES ASSOCIATED WITH DEVELOPMENT OF AN UNIDIRECTIONAL FLUSHING PROGRAM PILOT STUDY

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Hazen and Sawyer was one of nine firms selected by Staff via a qualifications based process to perform on-call professional services for water system General Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with Hazen and Sawyer, on April 22, 2015 and renewed the Master Agreement on April 23, 2018 for On-Call Professional Services for water system General Projects; and

WHEREAS, the professional services for the development of an Unidirectional Flushing Program Pilot Study will be part of a subcontract under said Master Agreement; and

WHEREAS, the use of Hazen and Sawyer, will utilize the most qualified firm to insure timely completion and full compliance with scope of services for the development of an Unidirectional Flushing Program Pilot Study;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the contract with Hazen and Sawyer, for professional services required to develop an Unidirectional Flushing Program Pilot Study for the not to exceed contract amount of $50,000.

Read, approved, and adopted this 25th day of February, 2020

Magdalen Bourleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-44

RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council will hold their annual retreat on March 13, 2020, beginning at 8:00 a.m. in the Banquet Hall at the Harrah's Cherokee Center (formerly the U.S. Cellular Center) located at 87 Haywood Street, Asheville, N.C.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 25th day of February, 2020.

Magdalen Bulleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-45

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH IBI GROUP, PC TO ADD A FACILITY STUDY FOR THE ART TRANSIT GARAGE TO THE CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64, statements of qualification were solicited for the project known as the Facilities Study for Operations & Maintenance Centers; and

WHEREAS, IBI Group, P.C. was judged the best qualified firm for the Project; and

WHEREAS, the project will evaluate the facilities costs associated with an expansion in transit services, including the size of space required, potential cost of relocation, and will help consider various maintenance delivery models, life cycle costs associated with a new site, and the funding requirements and budgetary cost estimates for a new location; and

WHEREAS, the total negotiated fee for this contract amendment is $79,750; and

WHEREAS, the funding for the contract is allocated within the Transit Services Fund adopted Fiscal 2019-2020 budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend a contract with IBI Group, PC for an additional $79,750 to add a Facilities Study for the ART Transit Garage to the contract..

Read, approved, and adopted this the 25th day of February 2020.

Magdalen Bullion
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 20-46

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BROWN AND CALDWELL FOR PROFESSIONAL SERVICES ASSOCIATED WITH EMERGENCY CLEARWELL REPAIRS ON THE NORTH FORK WATER TREATMENT PLANT CLEARWELL AND GEOTECHNICAL TESTING OF THE BULK STORAGE AREA

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Brown and Caldwell was one of three firms selected by Staff via a qualifications based process to perform on-call professional services for Water Treatment Plant Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with Brown and Caldwell, on June 8, 2015 and renewed the Master Agreement on April 19, 2018 for On-Call Professional Services for the Water Treatment Plant Projects; and

WHEREAS, the professional services for the repairs to the North ForkWater Treatment Plant 5 million gallon water storage tank baffle curtains and geotechnical testing of the bulk storage area will be a subcontract under said Master Agreement; and

WHEREAS, the use of Brown and Caldwell, will utilize the most qualified firm to ensure timely completion and fulfill compliance with scope of services for the repairs to the North ForkWater Treatment Plant 5 million gallon water storage tank baffle curtains and geotechnical testing of the bulk storage area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the contract with Brown and Caldwell, for professional services required to make repairs to the North Fork Water Treatment Plant 5 million gallon water storage tank baffle curtains and geotechnical testing of the bulk storage area for an amount not to exceed $423,000 with a contingency of $50,000 for a total project cost of $473,000.

Read, approved, and adopted this 10th day of March 2020.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-. 47

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR TRIBUTE PROPERTIES / COLLIER

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes, including affordable housing, in the City of Asheville; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Grant (LUIG) Policy in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Tribute Colier development represents the type of project envisioned for support within those goals and the LUIG; and

WHEREAS, at its meeting on March 10, 2020, the City Council provided City staff with direction to draft a Land Use Incentive Grant between the City of Asheville and Tribute Properties for their development project at 11 Collier Avenue (PIN #9648-38-5770);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the Tribute Collier development is hereby set on March 24, 2020, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building,

Read, approved and adopted this 10th day of March, 2020.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

248

RESOLUTION NO. 20-48

RESOLUTION TO REVOKE ASHEVILLE RESOLUTION NO. 93-145 AND ESTABLISHING POLICY REGARDING SETTLEMENT OF LIABILITY CLAIMS ON BEHALF OF THE CITY OF ASHEVILLE

WHEREAS, on or around September 1, 1993, the City of Asheville ("City") established a self-insured liability claim program, by which the City is a self-insured municipality as provided by the General Statutes of North Carolina and has a self-insured retention of $500,000.00 per occurrence for tort liability, meaning that the City pays from its own funds for liability claims up to this amount;

WHEREAS, in or around 1993, the Asheville Claims Corporation ("ACC") was established to assist the City with the implementation of the City's self-funded loss reserve program and to administer and resolve liability claims made against the City and its employees;

WHEREAS, on September 28, 1993, the Asheville City Council adopted Resolution 93-145, which established a policy regarding the settlement of claims filed against the City; and

WHEREAS, pursuant to Resolution 93-145, the ACC is responsible for the administration of all claims for damages against the City under the City's self-insured liability claim program; and

WHEREAS, pursuant to Resolution 93-145, the Director of Risk Management has the authority to settle all liability claims against the City not exceeding $25,000, and City Council approval is required for the settlement of all liability claims and lawsuits in excess of $25,000; and

WHEREAS, in or around 2013, the City undertook a review of the ACC and determined that the ACC was no longer necessary to assist the City with the implementation of the City's self-insured liability claim program, based, in part, on the City utilizing a Third-Party Administrator to assist the City with the review and payment of liability claims made against the City; and

WHEREAS, in or around 2014, the City Attorney's Office and City Risk Management Division reviewed and developed Claims Handling Procedures, to ensure that City liability claims handling protocols are consistent; and

WHEREAS, in 2016 the ACC was dissolved and, currently, the City Risk Management Division manages liability claims and lawsuit settlements, in accordance with the Division's Claims Handling Procedure and in collaboration with the City Attorney's Office and the Third Party Administrator, when necessary; and

WHEREAS, the Asheville City Council finds it necessary to revoke Resolution No. 93-145 and adopt a new policy regarding the settlement of claims on behalf of the City, which reflects the City's current method of handling liability claims under the City's self-insured liability claim program and to establish those limits of authority; and

WHEREAS, the Asheville City Council finds it beneficial to increase the efficiency of the claims resolution process by extending the authority to resolve legal claims not covered by the City's self-insured liability claim program. In such cases, the City Attorney shall have authority to resolve claims pursuant to the authority limits provided herein; and

WHEREAS, the Asheville City Council also seeks to timely resolve liability claims and lawsuits asserted against or by the City of Asheville and, to that end, the Asheville City Council has determined

that there is a need to increase the amount of settlement authority currently provided to the City Risk Management Division from $25,000 to $50,000, and to provide the same authority to the City Attorney for the settlement of claims not delegated to the City Risk Management Division;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. City of Asheville Resolution No. 93-145 is hereby revoked and the City's policy regarding the settlement of liability claims and lawsuits filed against or on behalf of the City of Asheville shall be as set forth herein.

Section 2. The authority to settle liability claims and lawsuits against or on behalf of the City shall be as follows:

a. The City Risk Management Division shall be responsible for the management and administration of all liability claims asserted against the City, which are not covered by commercial insurance, subject to a $500,000 occurrence limit. The City Risk Management Division may also refer such claims to the City-retained Third-Party Administrator (TPA), as appropriate. The Risk Management Division or City-retained TPA shall manage liability claims payment of damages within the scope of administration if damages are established by judgment or a court of competent jurisdiction or by settlement, consistent with City protocol on settlement of claims. Nothing herein shall be construed to prejudice or prevent the City from asserting governmental immunity as a defense to any claim, lawsuit or to payment of any judgment, when applicable.

b. The Risk Management Division is hereby authorized to settle liability claims and lawsuits asserted against the City that do not exceed $50,000 per claimant, after consultation with the City Attorney's Office, as appropriate. When appropriate, settlements shall be consistent with recommendations made by the City-retained TPA and defense counsel.

c. The City Attorney shall be responsible for all legal claims not otherwise delegated to the City Risk Management Division. The City Attorney is hereby authorized to settle such claims and lawsuits filed against or on behalf of the City that do not exceed $50,000 per claimant.

d. Liability claims and lawsuits valued in excess of $50,000 shall be settled only with the prior approval of the Asheville City Council.

Read, approved, and adopted this 10th day of March, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

250

RESOLUTION 20- 49

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT PROPOSALS IN RESPONSE TO THE CALL FOR PROJECTS ISSUED BY THE FRENCH BROAD RIVER METROPOLITAN ORGANIZATION AND TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 2019 SECTION 5310 AND JARC GRANT PROGRAMS

WHEREAS, pursuant to N.C.G.S.§ 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has announced a Call for Projects for the Federal Transit Administration FY 2019 Section 5310 and JARC Grant Programs; and

WHEREAS, the City has identified projects that would be eligible for these funding programs and would help fund the operating cost of paratransit and Route 170 fixed-route services; and

WHEREAS, the FTA will reimburse grant applicants for up to 50 of operating cost and 80 percent of capital cost of projects implemented with these funding programs; and

WHEREAS, the local match would come from the City of Asheville General Funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

City Council approve a resolution authorizing the City Manager to submit grant applications to FBRMPO, to apply to the Federal Transit Administration for:

c. FY 2019 Section 5310 Funds in the amount of $166,832, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue in the FY20-21 Budget.

d. FY 2019 Section 5307 JARC Funds in the amount of $231,558, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue in the FY20-21 Budget.

Read, approved and adopted this 10th day of March, 2020.

Magdalen Bourleson
City Clerk

Esther C. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-50

RESOLUTION AUTHORIZING THE ASHEVILLE POLICE DEPARTMENT TO RENEW THE NOVEMBER 21, 2016 CONTRACT WITH LEXISNEXIS BY GOING TO ACCURINT VIRTUAL CRIME CENTER (AVCC)—ANALYSIS PLATFORM WITH ADDENDUM AND SCHEDULE A.

WHEREAS, the City of Asheville Police Department on November 21, 2016 entered into a contractual agreement with LexisNexis for ACCURINT (formerly ATACRAIDS) —- a local and nationwide crime analysis platform; and

WHEREAS, the ACCURINT platform has been extensively used internally by APD officers and its crime analysts, used by the Citizens Police Advisory Committee (CPAC), as well as made available to both the citizens of Asheville and Media via the web based Community Crime Mapper; and

WHEREAS, the platform disseminates Asheville crime data in a geospatial map and on a link analysis chart; and

WHEREAS, on October 31,2019, LexisNexis announced a new robust platform known as ACCURINT Virtual Crime Center (AVCC); and

WHEREAS, LexisNexis is the creator, a sole source vendor of AVCC allowing real-time access to local and nationwide public records databases; and

WHEREAS, there is no other vendor or application available for purchase today that has the capabilities included in AVCC; and

WHEREAS, with the new AVCC platform, with total contract costs (Nov. 2016 to current date) now at $124,872 (over $90,000) coming from the adopted Police department budget, City Council approval is required;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to renew the November 21, 2016, contract with LexisNexis by going to ACCURINT virtual crime center (AVCC) — crime analysis platform with new addendum and schedule A.

Read, approved and adopted this the 10th day of March, 2020.

Magdalen Bullock
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

252

RESOLUTION NO. 20-51

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED PORTION OF THE RIGHT-OF-WAY OFF MERRITT PARK LANE

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened portion of right of way off Merritt Park Lane; and

WHEREAS, City Council on the 11th day of February, 2020, adopted a Resolution of Intent to permanently close an unopened portion of right of way off Merritt Park Lane, and ordered a public hearing on the question of the closing for the 10th day of March, 2020, at its regular scheduled meeting on the 2nd floor of the City Hall building, Asheville, North Carolina ; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along an unopened portion of right of way of Merritt Park Lane; and

WHEREAS, the City Council held a public hearing on the closure on March 10, 2020, and following the hearing, it appears to the satisfaction of the Council that closing the right-of-way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties; and

WHEREAS, in accordance with 160A-299(c), the property owners taking title to the closed street (City and Hilliard Park Apartments, LLC) have agreed that the closed portion of the right-of-way that crosses the Merritt Park property will become the property of Hilliard Park Apartments, LLC and all of the closed portion of the right-of-way along the eastern border of the Merritt Park property will become the property of the City. The property owners shall file a plat which shows the street closing and the portion of the closed street to be taken by each owner;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby hereby permanently closes an unopened portion of right-of-way off Merritt Park Lane, described as :

Beginning at a rebar and cap "Johnny White"(JW) with a NAD83(2011) coordinate North=688,875.91 sft, East=941,294.43 sft at the end of the pavement of Merritt Street; thence with the northeast right of way line of former Merritt Street, South 32 degrees 33 minutes 31 seconds East 116.24 feet; thence South 32 degrees 33 minutes 31 seconds East 34.24 feet to a rebar and cap JW coordinate North=688,749.09 sft, East=941,375.41 sft; thence South 36 degrees 59 minutes 35 seconds West 89.18 feet to a rebar and cap JW coordinate North=688,677.86 sft, East=941,321.75 sft; thence across said right of way North 50 degrees 01 minute 58 seconds West 36.25 feet to rebar and cap "Spencer P-1720" coordinate North=688,701.14 sft, East=941,293.97 sft; thence with the western edge of said right of way North 39

degrees 22 minutes 9 seconds East 74.42 feet to a rebar and cap JW coordinate North=688,758.67 sft, East=941,341.17 sft; thence North 33 degrees 19 minutes 38 seconds West 115.46 feet to a rebar and cap "Mattern & Craig" coordinate North=688,855.14 sft, East=941,277.74 sft; thence North 38 degrees 47 minutes 49 seconds East 26.65 feet to the point of beginning. Being 6,073 square feet, 0.139 acre, as shown on Exhibit A titled "Closed portion of unopened Merritt Park Lane" dated 20200130.

This closure is subject to the retention by the Metropolitan Sewerage District of Buncombe County (MSD), its successors and assigns, of a 20-foot wide (20') permanent easement for the operation and maintenance of sewer lines and accessories recorded in Deed Book 5333 at Page 1399 in the Buncombe County Registry.

Read, approved and adopted this 10th day of March, 2020.

Magdalen Bowleson
City Clerk

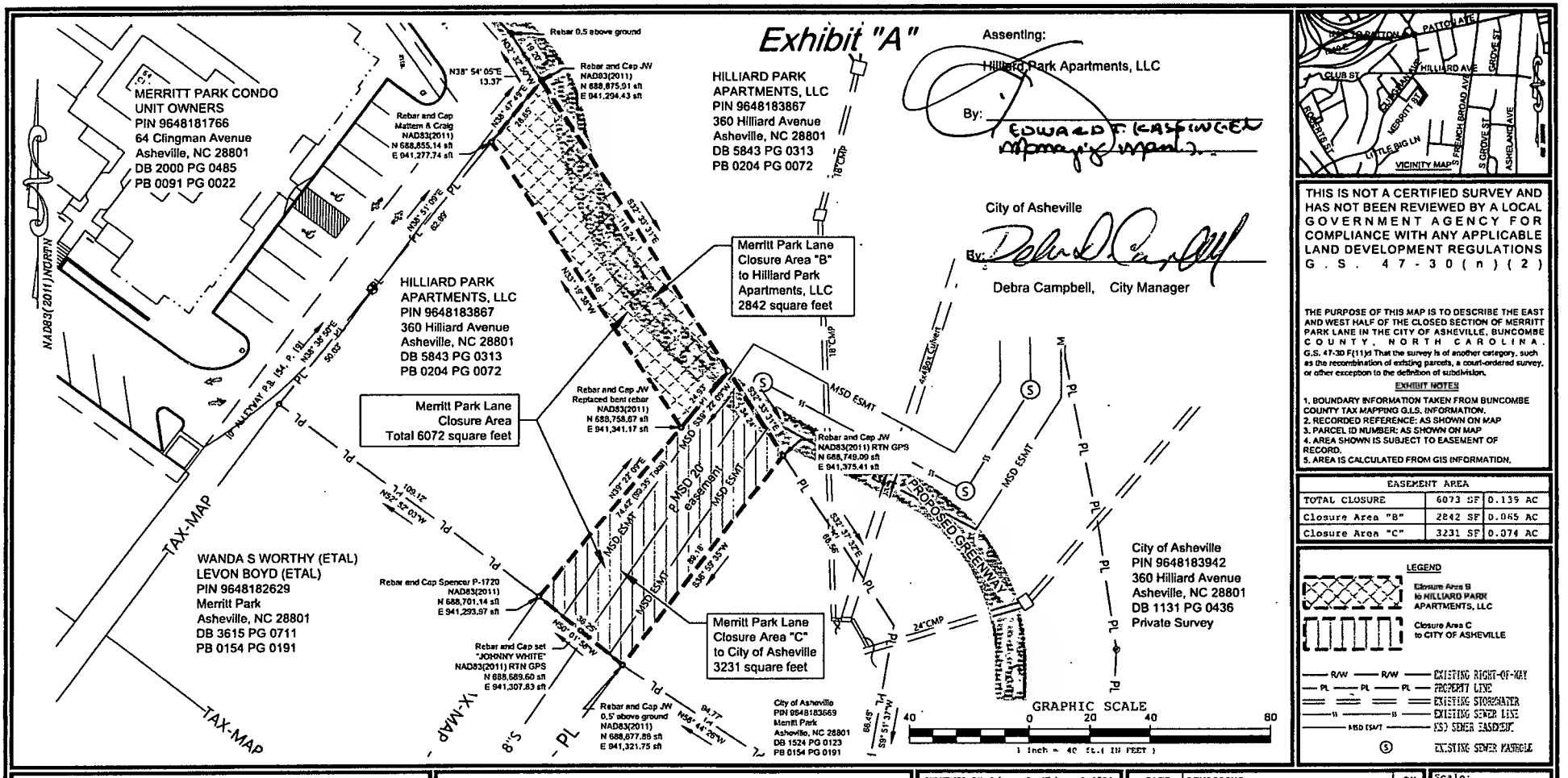
Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

Exhibit "A"


MERRITT PARK CONDO
UNIT OWNERS
PIN 9648181766
64 Clingman Avenue
Asheville, NC 28801
DB 2000 PG 0485
PB 0091 PG 0022
HILLIARD PARK APARTMENTS, LLC
PIN 9648183867
360 Hilliard Avenue
Asheville, NC 28801
DB 5843 PG 0313
PB 0204 PG 0072
Merritt Park Lane Closure Area "B" to Hilliard Park Apartments, LLC 2842 square feet
Merritt Park Lane Closure Area Total 6072 square feet
Merritt Park Lane Closure Area "C" to City of Asheville 3231 square feet
WANDA S WORTHY (ETAL)
LEVON BOYD (ETAL)
PIN 9648182629
Merritt Park
Asheville, NC 28801
DB 3615 PG 0711
PB 0154 PG 0191
City of Asheville
PIN 9648183942
360 Hilliard Avenue
Asheville, NC 28801
DB 1131 PG 0436
Private Survey
City of Asheville
PIN 9648183669
Merritt Park
Asheville, NC 28801
DB 1524 PG 0123
PB 0154 PG 0191
PROPOSED GREENWAY
MSD ESMT
MSD 20' easement
TAX-MAP
NARROWAY (2011) ROAD
Rebar 0.5 above ground
Rebar and Cap JW NAD83(2011) N 688,875.91 sft E 941,294.43 sft
Rebar and Cap Mattern & Craig NAD83(2011) N 688,855.14 sft E 941,277.74 sft
Rebar and Cap JW Replaced bent rebar NAD83(2011) N 688,758.67 sft E 941,341.17 sft
Rebar and Cap JW NAD83(2011) RTN GPS N 688,749.09 sft E 941,375.41 sft
Rebar and Cap Spencer P-1720 NAD83(2011) N 688,701.14 sft E 941,293.97 sft
Rebar and Cap set "JOHNNY WHITE" NAD83(2011) RTN GPS N 688,589.60 sft E 941,307.83 sft
Rebar and Cap JW 0.5' above ground NAD83(2011) N 688,677.85 sft E 941,321.75 sft
24" CMP
18" CMP
6x4 BOX CULVERT
GRAPHIC SCALE
40 0 20 40 80
1 inch = 40 ft.(IN FEET)

Assenting:

Hilliard Park Apartments, LLC

By: EDWARD T. EASTWICK
Attorney in Fact

City of Asheville

By: Debra Campbell, City Manager

THIS IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS G.S. 47-30(n)(2)

THE PURPOSE OF THIS MAP IS TO DESCRIBE THE EAST AND WEST HALF OF THE CLOSED SECTION OF MERRITT PARK LANE IN THE CITY OF ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA.

G.S. 47-30 F(11)d That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.

EXHIBIT NOTES

1. BOUNDARY INFORMATION TAKEN FROM BUNCOMBE COUNTY TAX MAPPING G.I.S. INFORMATION.
2. RECORDED REFERENCE: AS SHOWN ON MAP
3. PARCEL ID NUMBER: AS SHOWN ON MAP
4. AREA SHOWN IS SUBJECT TO EASEMENT OF RECORD.
5. AREA IS CALCULATED FROM GIS INFORMATION.

EASEMENT AREA		
TOTAL CLOSURE	6073 SF	0.139 AC
Closure Area "B"	2842 SF	0.065 AC
Closure Area "C"	3231 SF	0.074 AC

LEGEND

Closure Area B to HILLIARD PARK APARTMENTS, LLC

Closure Area C to CITY OF ASHEVILLE

R/W — R/W — EXISTING RIGHT-OF-WAY
PL — PL — PL — PROPERTY LINE
EXISTING STORMWATER
EXISTING SEWER LINE
MSD ESMT — MSD SEWER EASEMENT
(S) EXISTING SEWER MANHOLE

SURVEY FOR

City of Asheville

Capital Projects Department

P.O. Box 7148, Asheville, N.C. 28802 • 828-259-5617 • www.ashevillenc.gov

Closed portion of unopened Merritt Park Lane
DB 5843 PG 0313, PB 0204 PG 0072
DB 1524 Pg 0123, PB 0154 Pg 0191
near Merritt Park Lane
Asheville, Buncombe County, North Carolina

SURVEYED BY: Johnny J. White, L-4304	
SURVEYED DATE: 20191118	
DRAWN BY: JDH	
CHECKED BY:	
APPROVED BY:	
DRAWING DATE: 20200131	

DATE	REVISIONS	BY

Scale: 1 INCH = 40 FEET

Project Number: Econ Dev-18-01

Sheet No.: 1

Total Closure Area

Merritt Street closure total description

Beginning at a rebar and cap "Johnny White"(JW) with a NAD83(2011) coordinate North=688,875.91 sft, East=941,294.43 sft at the end of the pavement of Merritt Street; thence with the northeast right of way line of former Merritt Street, South 32 degrees 33 minutes 31 seconds East 116.24 feet; thence South 32 degrees 33 minutes 31 seconds East 34.24 feet to a rebar and cap JW coordinate North=688,749.09 sft, East=941,375.41 sft; thence South 36 degrees 59 minutes 35 seconds West 89.18 feet to a rebar and cap JW coordinate North=688,677.86 sft, East=941,321.75 sft; thence across said right of way North 50 degrees 01 minute 58 seconds West 36.25 feet to rebar and cap "Spencer P-1720" coordinate North=688,701.14 sft, East=941,293.97 sft; thence with the western edge of said right of way North 39 degrees 22 minutes 9 seconds East 74.42 feet to a rebar and cap JW coordinate North=688,758.67 sft, East=941,341.17 sft; thence North 33 degrees 19 minutes 38 seconds West 115.46 feet to a rebar and cap "Mattern & Craig" coordinate North=688,855.14 sft, East=941,277.74 sft; thence North 38 degrees 47 minutes 49 seconds East 26.65 feet to the point of beginning. Being 6073 square feet, 0.139 acre, as shown on Exhibit A titled "Closed portion of unopened Merritt Street" dated 20200130.

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Closure Area B

Merritt Street to Hilliard Park Apartments, LLC

Beginning at a rebar and cap "Johnny White"(JW) with a NAD83(2011) coordinate North=688,875.91 sft, East=941,294.43 sft at the end of the pavement of Merritt Street; thence with the northeast right of way line of former Merritt Street, South 32 degrees 33 minutes 31 seconds East 116.24 feet to a point; thence crossing said street South 39 degrees 22 minutes 09 seconds West 24.93 feet to a rebar and cap JW coordinate North=688,758.67 sft, East=941,341.17 sft; thence North 33 degrees 19 minutes 38 seconds West 115.46 feet to a rebar and cap "Mattern & Craig" coordinate North=688,855.14 sft, East=941,277.74 sft; thence North 38 degrees 47 minutes 49 seconds East 26.65 feet to the point of beginning. Being 2842 square feet, 0.0.074 acre as shown on Exhibit A titled "Closed portion of unopened Merritt Street" dated 20200131.

Closure Area C

Merritt Street property Assented to by Hilliard Park Apartments, LLC to the City of Asheville

Beginning at a rebar and cap "Johnny White"(JW) at the easternmost point of the closure for a portion of Merritt Street with a NAD83(2011) coordinate North=688,749.09 sft, East=941,375.41 sft at the end of the pavement of Merritt Street; thence with the east right of way line of former Merritt Street, South 36 degrees 59 minutes 35 seconds West 89.18 feet to a rebar and cap JW coordinate North=688,677.86 sft, East=941,321.75 sft; thence across said right of way North 50 degrees 01 minute 58 seconds West 36.25 feet to rebar and cap "Spencer P-1720" coordinate North=688,701.14 sft, East=941,293.97 sft; thence with the western edge of said right of way North 39 degrees 22 minutes 9 seconds East 74.42 feet to a rebar and cap JW coordinate North=688,758.67 sft, East=941,341.17 sft; thence crossing said right of way North 39 degrees 22 minutes 9 seconds East 24.93 feet to a point; thence South 32 degrees 33 minutes 31 seconds East 34.24 feet to the point of beginning. Being 3231 square feet, 0.0.074 acre, as shown on Exhibit A titled "Closed portion of unopened Merritt Street" dated 20200131.

RESOLUTION NO. 20-52

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, David Martin (utility representative) has resigned from the Board of Electrical Examiners, thus leaving an unexpired term until July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Drew Pike, 44 Carland Drive, Arden, N.C. be and he is hereby appointed as the utility representative to the Board of Electrical Examiners, to serve the unexpired term of Mr. Martin, term to expire July 1, 2021, or until his successor has been duly appointed.

Read, approved and adopted this 10th day of March, 2020.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-53

RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, Ms. Kim Roney (transit representative) has resigned from the Multimodal Transportation Commission, thus leaving an unexpired term until July 1, 2021; and

WHEREAS, Mr. David Nutter (greenway representative) has resigned, thus leaving an unexpired term until July 1, 2022; and

WHEREAS, Mr. John Rideout (at-large representative) has resigned, thus leaving an unexpired term until July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Dennis Wencel, 14 Thurland Avenue, Asheville, N.C., be and he is hereby appointed as a member of the Multimodal Transportation Commission (at-large representative) to serve the unexpired term of Mr. Rideout, term to expire July 1, 2020, and then a full three-year term, term to expire July 1, 2023, or until his successor has been appointed.

Read, approved and adopted this 10th day of March, 2020.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

260

RESOLUTION NO. 20- 54

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING TRANSIT CONSULTING CONTRACT BETWEEN THE CITY OF ASHEVILLE AND INFRASTRATEGIES, LLC (CAROLYN FLOWERS)

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville contracted with InfraStrategies in the amount of $49,000 in February 2019 to provide transit consulting services to the City of Asheville for the purpose of providing technical and professional consulting to assist Transit Division staff in the implementation of the 2018 Transit Master Plan; and

WHEREAS, the City of Asheville budgeted an additional $1,200,000 toward implementation of the 2018 Transit Master Plan in the Fiscal Year 2020 budget, including an additional $60,000 in contracted services funds for the purpose of continuing the existing InfraStrategies, LLC contract; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute an amendment to the existing Transit Consulting Contract between the City of Asheville and InfraStrategies, LLC (Carolyn Flowers)

Read, approved and adopted this the 24th day of March, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-55

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH KIMLEY-HORN & ASSOCIATES FOR ENGINEERING SERVICES ASSOCIATED WITH NEIGHBORHOOD ENHANCEMENT PROJECTS AREA 7

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Kimley-Horn & Associates was one of four firms selected by Staff via a qualifications based process to perform on-call professional services for Water Distribution and Storage Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with Kimley-Horn & Associates on May 11, 2015 and renewed the Master Agreement on April 19, 2018 for for On-Call Professional Services for Water Distribution and Storage Projects; and

WHEREAS, the professional engineering services for the Neighborhood Enhancement Projects Area 7 will be part of a subcontract under said Master Agreement; and

WHEREAS, the use of Kimley-Horn & Associates will insure timely completion and full compliance with the City of Asheville Design Standards of Neighborhood Enhancement Projects Area 7;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the contract with Kimley-Horn & Associates, for engineering services required to design, permit and construct the Neighborhood Enhancement Projects Area 7 for the not to exceed contract amount of $828,800.

Read, approved, and adopted this 24th day of March 2020.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION 20- 56

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT PROPOSALS IN RESPONSE TO THE NOTICE OF FUNDING OPPORTUNITY PUBLISHED BY THE FEDERAL TRANSIT ADMINISTRATION AND TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 2020 SECTION 5339(b) GRANT PROGRAM

WHEREAS, pursuant to N.C.G.S.§ 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, the Federal Transit Administration (FTA) has announced an opportunity for FY 2020 Section 5339(b) Discretionary Grant Program for the purchase or lease of vehicles, related facilities and infrastructure; and

WHEREAS, the City has identified projects that would be eligible for this funding program that would fund continued high-priority bus stop improvements; and

WHEREAS, the FTA will reimburse grant applicants for up to 80 percent of the capital cost of projects implemented with this funding program (or 90% for ADA and facility improvements); and

WHEREAS, the local match would come from the City of Asheville Transit Capital Projects Fund; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

City Council approve a resolution authorizing the City Manager to apply to the Federal Transit Administration for the FY 2020 Buses and Bus Facilities Grant in the amount of $1,250,000 and if successful, to accept the grant funds and sign all the appropriate agreements with the FTA, Federal, and/or State agencies.

Read, approved and adopted this 24th day of March, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-57

RESOLUTION REGARDING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION I-26 CONNECTOR TIP PROJECT-2513

WHEREAS, the North Carolina Department of Transportation ("NC DOT") has issued a Final Environmental Impact Statement ("FEIS") for the I-26 Connector Project, TIP Project I-2513 ("the project"); and

WHEREAS, NCDOT is seeking public input on the FEIS; and

WHEREAS, the City of Asheville is providing comments to NCDOT on the FEIS through a letter and this resolution; and

WHEREAS, the I-26 and I-240 corridors are critical to local and regional residents, visitors, interstate travelers, and regional commerce; and

WHEREAS, the project has been in the planning since the late 1980s; and

WHEREAS, traffic congestion and safety are continuing challenges along I-240 and I-26 through Asheville; and

WHEREAS, the Asheville community has long advocated through various efforts - from the Community Coordinating Committee report in 2000 that laid out key design principles, to the I26 Group that fought the proposed eight lanes in West Asheville, to the 2008 Asheville Design Center efforts that gave rise to Alternative 4B, to the I-26 ConnectUs Project that has advocated similar design principles since 2009, to every City Council-adopted resolution on this project – that the project be smaller and less impactful, have better bike/pedestrian connectivity, separate interstate from local traffic and return Patton Avenue to a surface street; and

WHEREAS, the City of Asheville and NCDOT have worked together in the I-26 Working Group since 2016 to address a range of issues raised in Resolution 15-232, adopted by City Council on December 8, 2015; and

WHEREAS, the City of Asheville appreciates the collaboration and hard work that NCDOT has put into the I-26 Working Group and NCDOT's willingness to adopt several changes to the project; and

WHEREAS, as reflected in Resolution 16-163, adopted by City Council on July 5, 2016, the selection of Alt. 4B as the preferred alternative honored the preference of the City of Asheville and enabled the City's priority of returning Patton Ave. to a surface street, thus allowing for the creation of a new gateway into downtown and an urban, multi-modal boulevard with new, infill development – all of which will help Asheville grow sustainably and create opportunities for economic investment and development; and

WHEREAS, Alt. 4B also had the least amount of impact on the Burton Street community and provides the opportunity for a new connection from Hillcrest directly to Patton Ave; and

WHEREAS, the final maps and FEIS reflect other improvements to the project sought by the City of Asheville as a result of the I-26 Working Group's efforts, including a reduction in the overall size and impact of the project on neighborhoods and businesses in West Asheville due to the selection of a six-lane alternative for I-240, an improved Brevard Rd-Amboy-Rd interchange, full connectivity at the I-240/I-40/I-26 interchange with the smallest footprint and other design improvements that have significantly reduced the number of houses and businesses taken; and

WHEREAS, other improvements include improved community connectivity through five miles of new and expanded bicycle and pedestrian infrastructure throughout the project corridor that will better and more safely connect people to downtown, West Asheville, the French Broad River, and numerous neighborhoods; and

WHEREAS, there remain outstanding design elements along the Patton Avenue Corridor and the Jeff Bowen Bridge yet to be adopted by NCDOT that are reflected in a memo dated September 19, 2018 from Sam Schwartz Consulting LLC to Ken Putnam (the "Schwartz Memo"), specifically including redesigning the interchange on the east side of the bridge and ensuring the westbound bridge has only two travel lanes and a generous bike and pedestrian path; and

WHEREAS, securing NCDOT's commitment to incorporate the designs advanced in the Schwartz Memo is critical to achieving the City of Asheville's long-standing goal of turning the Patton Avenue Corridor into a dense, urban, multi-modal, mixed-use corridor; and

WHEREAS, there remain other opportunities to tighten the footprint of all intersections between surface roads and the interstate throughout the project in order to make roads safer for cyclists and pedestrians and to possibly further reduce impacts on homes and businesses; and

WHEREAS, there remain unresolved design issues regarding the size of new I-26 bridge over the French Broad River and of the interstate as it travels north to the Broadway exit; the size, height, and expanse of the I-240 flyover bridges; and the visual and auditory impacts of the project on the historic Riverside Cemetery and the adjacent Montford neighborhood; and

WHEREAS, City Council appointed the I-26 Connector Project Aesthetics Committee ("Aesthetics Committee") in order to study carefully the aesthetic conditions within the project and make recommendations for their improvement; and

WHEREAS, the City of Asheville and the Aesthetics Committee have received assurances from NCDOT that the approved recommendations of the Aesthetics Committee ("the Aesthetic Recommendations") will be incorporated into the design-build Request for Proposals and into the design-build contract for the project and reflected in the final design of the project; and

WHEREAS, the City of Asheville seeks a continued close working relationship with NCDOT and its design-build contractor on the ongoing design of and aesthetic improvements to this project and appreciates NCDOT's commitment to that ongoing relationship;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City of Asheville calls on NC DOT to continue collaborating with the I-26 Working Group to develop improved designs for the east side of the Patton Avenue Corridor and the Jeff Bowen Bridge and incorporate those into the Record of Decision or the Request for Proposals; and

2. The City of Asheville further calls on NC DOT and its future design-build contractor to further reduce the size and impact of the project by:

    a. tightening the footprint of all urban intersections throughout the project corridor, specifically including the Haywood Road interchange;
    b. reducing the number of lanes on the new I-26 bridge over the river and continuing north to the Broadway exit;
    c. reducing the height and radius of the I-240 flyover bridges; and
    d. reducing the visual and auditory impacts on Riverside Cemetery and the adjacent Montford neighborhood; and

3. The City of Asheville further calls on NCDOT, with regard to the Request for Proposals and Aesthetic Recommendations, that:

    a. NCDOT evaluate the design team qualifications, not only for multi-disciplinary representation to include urban planning, bridge design, structural engineering and landscape architecture, but also for demonstrated experience implementing creative transportation solutions that are contextually sensitive to both the natural environment and the urban character of a scenic destination city such as Asheville;
    b. Substantial weight be assigned in RFP evaluation criteria to the qualifications of the responder's design team as described above;
    c. NCDOT include in its RFP an Aesthetics Scope of Work ("ASW") reflecting the Aesthetics Recommendations;
    d. NCDOT include the City in the RFP development and revision process;

e. the proposals submitted be evaluated on the degree to which they achieve the goals and objectives of the ASW and any additional improvements and betterments; and
f. the City be allowed to review and comment on the responses to the RFP; and

4. The City further calls on NCDOT and the design-build contractor to consider any new land use, greenway, or other plans or design proposals developed after the Record of Decision is signed that impact or relate to the project; and

5. The City further calls on NCDOT and the design-build contractor to utilize local businesses and residents to the greatest degree possible in the construction of the project; and

6. The City of Asheville further calls on NCDOT to work together to determine a suitable use for land underneath new bridges in the project so that land is put to use for the benefit of Asheville residents; and

7. The City of Asheville further calls on NCDOT to support the City's acquisition of available right of way in the Patton Avenue Corridor in a "development-ready" state to further the redevelopment of that corridor as envisioned by the City; and

8. The City of Asheville be considered a key partner with NCDOT and the design-build contractor and that NCDOT consult with the City during the contract period on all aesthetic and design modifications, giving full consideration to the City's views.

Read, approved and adopted this the 24th day of March, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-58

RESOLUTION SETTING A PUBLIC HEARING FOR A LAND USE INCENTIVE GRANT AGREEMENT FOR 2 RESTAURANT COURT / BEAUCATCHER VISTA LLC

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes, including affordable housing, in the City of Asheville; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Grant (LUIG) Policy in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Beaucatcher Vista LLC development located at 2 Restaurant Court (PIN #9658-08-2350), proposes all 40 units to be 1 bedrooms, with 30 of the units set aside for households at or below 60% of Area Median Income (AMI) and the remaining 10 for 80% AMI households, affordable for a period of 21 years; and

WHEREAS, the property is situated in close proximity to commercial and transit amenities, including an ART bus stop, an Ingles grocery and pharmacy, and a number of potential employers; and

WHEREAS, the property's location and commitment to affordable housing merits a score of 150 on the LUIG scoring matrix, resulting in an award period of 21 years; and

WHEREAS, the current assessed value of the property is $786,000 with an annual City tax obligation of $3,371.15. An estimate of post-construction value from the developer is $4,000,000. A project valued at $4,000,000 at the current City tax rate of 0.4289 would result in an annual grant award of $13,784.85. Over the 21 year award period, the total value of the LUIG award would amount to a total of approximately $289,481.85;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The public hearing to consider a land use incentive grant for the Beaucatcher Vista LLC's Restaurant Court development is hereby set for May 12, 2020, at 5:00 p.m. in the Council Chamber, located on the 2nd floor of the City Hall Building,

Read, approved and adopted this 14th day of April, 2020.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-59

RESOLUTION APPROVING A MODIFIED APPLICATION FOR THE 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS OF $175,000 ORIGINALLY AWARDED TO PCYM TO INSTEAD BE AWARDED TO YMI, YOUNG MEN'S INSTITUTE, CULTURAL CENTER FOR A SUBSTANTIALLY SIMILAR FOCUSED EMPLOYMENT TRAINING PROGRAM; AUTHORIZING AN UPDATE OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2018-2019 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS RESOLUTION

WHEREAS, in June 2018, the Asheville City Council approved Resolution 18-141 approving the 2018-2019 Consolidated Annual Action Plan authorizing the City Manager to execute grant and loan agreements for funding derived from the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) programs; and

WHEREAS, in June 2018, Positive Changes Youth Ministries ("PCYM"), a 501(c)(3) organization, received a commitment of $175,000 in CDBG funds to support their Youth Elevation Collaborative Program; and

WHEREAS, in order to execute the contract necessary to draw upon the awarded funds, a new partnership was formed with the Young Men's Institute Cultural Center ("YMI CC"), a 5o01(c)(3) organization, as the lead entity replacing Positive Changes Youth Ministries; and

WHEREAS, YMI CC has modified the program activities with a more focused workforce and entrepreneurial development initiative in hospitality, medical, manufacturing, and municipalities career fields with an emphasis on economic upward mobility of our lower-income communities' members, known as a "Continuum of Success"; and

WHEREAS, proposed outcomes of this collaborative will be job creation and job retention and bi-monthly meetings of all of our community partners focused on workforce development and career upward mobility; and

WHEREAS, the Community Development Division requests that the City approve a modification of the application for the 2018-2019 CDBG funding originally awarded to PCYM to allow the award instead be made to YMI CC for a substantially similar focused employment training program and enter into a CDBG contract with YMI CC so that they may access its 2018-2019 award of funds; and

WHEREAS, the Community Development Division also request authorization to submit an update of the City's Consolidated Annual Action Plan for 2018-2019 to the U.S. Department of Housing and Urban Development; and

WHEREAS, the actions described above would help support community partners focused on the strengthening of communities and economic opportunity in Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The request to contract with YMI CC for 2018-2019 CDBG award funds is hereby approved and the City Manager is hereby authorized to negotiate and execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-60

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING PARKING CITATION MANAGEMENT CONTRACT BETWEEN THE CITY OF ASHEVILLE AND PASSPORT LABS, INC.

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville contracted with Passport Labs, in the amount of $240,000 in October 2017 to provide parking citation management services to the City of Asheville for the purpose of enforcing parking ordinances within the City limits; and

WHEREAS, the City of Asheville has exceeded the original estimates regarding the number of parking citations issued, and the overall financial value of fines and fees collected as a result of the issuance of said parking citations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute an amendment to the existing Parking Citation Management Contract between the City of Asheville and Passport Labs, Inc., increasing the total value of the contract to $405,000, for parking citation management.

Read, approved and adopted this the 14th day of April, 2020.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-61

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER MPO (MPO) FOR FUNDING FOR FY 2022 THROUGH FY 2026 FOR TRANSPORTATION IMPROVEMENTS AND ACCEPT SUCH GRANTS AND EXECUTE ALL NECESSARY AGREEMENTS; AND TO SUPPORT NCDOT GRANT APPLICATIONS FOR PROJECTS WITHIN THE CITY OF ASHEVILLE

WHEREAS, the City has the authority, pursuant to N.C.G.S. § 160A-17.1, to apply for and receive grants from other governmental entities and to enter into contracts for the administration of said grants; and

WHEREAS, the French Broad River Metropolitan Planning Organization is soliciting requests for transportation capital projects and is currently providing competitive funding; and

WHEREAS, the City of Asheville has identified several multimodal transportation improvements that are eligible for these funds; and

WHEREAS, if awarded, funding agreements will be executed between the City and the granting and administering agencies prior to receipt of the grant; and

WHEREAS, the required local match will need to be programmed in the city budget in the years FY 2022 to FY 2026; and

WHEREAS, the NCDOT Division 13 also intends to submit applications for several projects of benefit to the City of Asheville;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to apply for approximately $21,000,000 in FY 2022 to FY 2026 funding from the French Broad River MPO for transportation capital projects with a total cost of approximately $26,000,000.

2. The City Council authorizes the City Manager to execute agreements between granting or administering agencies and the City to accept the grant.

3. The City of Asheville supports several grant applications by the NCDOT Division 13 for transportation improvements within the City of Asheville.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Bulleson
City Clerk

Edwin G. Marb
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-62

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BH GRANING LANDSCAPES, INC FOR THE SHILOH PARK IMPROVEMENTS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the Shiloh Park improvement project; and

WHEREAS, the B.H. Graning Landscapes, Inc., of Sylva, NC was the lowest responsible bidder for the project; and

WHEREAS, the amount of the bid is $131,313.86, and funding for the project is allocated within the City Capital Funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with B.H. Graning Landscapes, Inc. of Sylva, NC, in the amount of $131,313.86 and to further authorize change orders up to the contingency amount of $13,130 (10%) for Shiloh Park improvements project.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 20-63

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HARRISON CONSTRUCTION COMPANY DIVISION of APAC ATLANTIC, INC. FOR THE PROJECT KNOWN AS FISCAL YEAR 2020 ASPHALT RESURFACING

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 20 Asphalt Resurfacing; and

WHEREAS, Harrison Construction Company Division of APAC Atlantic was the lowest responsible bidder for the project; and

WHEREAS, Harrison Construction Company Division of APAC Atlantic, shall provide all labor, materials and equipment for the construction of the FY 2020 Asphalt Resurfacing project; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Business Inclusion Program Manager with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Harrison Construction Company Division of APAC Atlantic, Inc. in the amount of $1,989,899.25 plus a 15% contingency of $298,484.89 for a total of $2,288,384.14 total for the project known as FY 2020 Asphalt Resurfacing.

Read, approved, and adopted this the 14th day of April 2020.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 20-64

RESOLUTION APPROVING A FEE WAIVER FOR AHOPE'S SHELTER REHABILITATION PROJECT LOCATED AT 19 NORTH ANN STREET (HOMEWARD BOUND) AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY FOR THIS APPROVAL

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. §160A-456 to appropriate and expend funds for community development programs and activities, including programs of assistance and financing of construction and rehabilitation of private buildings principally for the benefit of low and moderate income persons; and

WHEREAS, the City Council of Asheville adopted a Fee Rebate Policy on October 22, 2019, Resolution #19-244, in order to encourage the development of housing for persons of low and moderate income, and the adopted Policy provides that certain fees eligible for rebates, may be waived upfront on a case by case basis based on a developer's affordable housing experience and demonstrated financial need of the project upon approval by City Council; and

WHEREAS, Homeward Bound has requested to be considered for either a Fee Rebate or Fee Waiver under the City's adopted Fee Rebate Policy to assist with a major rehabilitation of their day center, "AHOPE", located at 19 N. Ann Street, Asheville 28801. At this location, Homeward Bound provides services such as showers, bathroom facilities, mail, common areas among others to as many as 180 people daily who are experiencing homelessness. The project will create new and bigger bathroom and shower facilities, to include a total of 6 showers, over 300 lockers for client storage, nap rooms, phone charging stations, common areas, mailroom, meeting rooms, offices and other spaces for various services; and

WHEREAS,City Staff agrees that this rehabilitation of AHOPE by Homeward Bound meets the fee rebate policy criteria as it serves and targets individuals & families under 30% AMI or those homeless or in danger of being home and is much needed housing type that provides daily housing services to our most in need population, our homeless and in danger of being homeless; and

WHEREAS, City Staff recommends that Homeward Bound be considered for a Fee Waiver for its AHOPE rehabilitation project based on the fact that it qualifies for an 100% fee rebate, and based on Homeward Bound's significant experience serving the homeless population and providing affordable housing as well as the demonstrated a financial need for this project; and

WHEREAS, the City Council of the City of Asheville agrees that a Fee Waiver is justified for the AHOPE rehabilitation project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby approves a Fee Waiver to Homeward Bound to support the rehabilitation of the AHOPE project at 19 North Ann Street in downtown Asheville. The estimated fee waiver is estimated to be valued at approximately $12,000 to $15,000. The City Manager is hereby authorized to execute any and all documents necessary to give effect to this Resolution.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

274

RESOLUTION NO. 20-65

RESOLUTION ADOPTING THE 2020 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Tuesday, April 28, 2020, formal City Council meeting is hereby cancelled.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-66

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO GRANT A DRIVEWAY EASEMENT ON CITY OWNED PROPERTY TO ADJACENT PROPERTY OWNER ON BEVERLY ROAD

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-273 to convey land through an easement over real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City is the owner of property located off of Beverly Road in the City of Asheville, identified as PIN # 9668-06-4042-00000, known as Ann Patton Joyce Park; and

WHEREAS, Andrew Michael Lanteri, the new owner of the property located at 172 Beverly Road identified as PIN # 9658-96-9057-00000, which is adjacent to the City's above mentioned property, has requested that the City grant a easement of approximately 194 square feet on its property for a driveway that has long encroached on the City property; and

WHEREAS, Mr. Lanteri has agreed to pay fair market value of $1,202.80 and administrative costs for the 194 SF easement; and

WHEREAS, the City's Parks and Recreation Department has indicated that the existing driveway is located on the northern tip of the passive park and would not impact the usability of the park or its aesthetics and therefore, has no concern with the granting of this access easement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute documents necessary to grant this easement. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

276

RESOLUTION NO. 20-67

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BROWN AND CALDWELL FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE NORTH FORK WATER TREATMENT PLANT'S SODIUM BICARBONATE SILO REPLACEMENT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Brown and Caldwell was one of three firms selected by Staff via a qualifications based process to perform on-call professional services for Water Treatment Plant Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with Brown and Caldwell, on June 8, 2015 and renewed the Master Agreement on April19, 2018 for On-Call Professional Services for the Water Treatment Plant Projects; and

WHEREAS, the professional services for the design and construction to the North Fork Water Treatment Plant's Sodium Bicarbonate Silo and Feed System under said Master Agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order to the contract with Brown and Caldwell, for professional services and construction oversight required due to the installation to the North Fork Water Treatment Plant's Sodium Bicarbonate Silo and Feed System for an amount not to exceed $36,200 for a total project cost of $201,200.

Read, approved, and adopted this 14th day of April, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-68

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH HARPER GENERAL CONTRACTORS ASSOCIATED WITH THE NORTH FORK WATER TREATMENT PLANT'S SODIUM BICARBONATE SILO REPLACEMENT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Harper General Contractors was one of three companies determined to be the lowest responsive responsible bidder for; and

WHEREAS, the City of Asheville entered into a contract with Harper General Contractors on April 19, 2019, for the Water Treatment Plant Sodium Bicarbonate Silo Replacement Project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order to the contract with Harper General Contractors, for construction to the North Fork Water Treatment Plant's Sodium Bicarbonate Silo Replacement for an amount not to exceed $20,000 for a total project cost of $1,151,200.

Read, approved, and adopted this 14th day of April, 2020.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-69

RESOLUTION APPROVING THE CITY MANAGER TO EXECUTE AGREEMENTS REGARDING DONATIONS TO THE HOUSING TRUST FUND, WITH THE PERMISSION OF THE DONOR, TO UTILIZE THOSE FUNDS IN A DIFFERENT CAPACITY IN ORDER TO SUPPORT AND ADVANCE AFFORDABLE HOUSING EFFORTS

WHEREAS, the City of Asheville occasionally receives donations to the Housing Trust Fund (HTF) from private individuals and organizations to support and advance affordable housing efforts; and

WHEREAS, the City of Asheville Housing Trust Fund program was established in September 2000 with the goal of providing low cost financial assistance to incentivize the development and preservation of affordable housing within the city limits for the benefit of moderate to low income individuals and families; and

WHEREAS, City Management is often in search of funding to support pilot programs to enhance an organization's efforts to support the production, preservation and protection of affordable housing; and

WHEREAS, Thrive Asheville is in need of $100,000 for their Landlord-Tenant Partnership Program which will link 25 families, who currently live in public housing developments, to privately-owned properties in neighborhoods with greater opportunities and safety; and

WHEREAS, the Deerfield Episcopal Retirement Community agreed that $100,000 of its previously made $250,000 donation to the City's HTF, donated on October 22, 2019, could be used for Thrive Asheville's Voucher Pilot Program; and

WHEREAS, City Staff recommends that the City Manager be granted authority to execute agreements with donors regarding changes in the use of their donations that will support efforts to produce, preserve and protect affordable housing; and

WHEREAS, the actions described above would help support community partners focused on the strengthening of communities through affordable housing and economic opportunity in Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute agreements regarding donations to the Housing Trust Fund, with the permission of the donor, and to utilize those funds in a different capacity in order to support and advance affordable housing efforts.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 20-70

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH CAROLINA TRACTOR & EQUIPMENT FOR SERVICES RELATED TO THE REPAIR AND MAINTENANCE OF CITY VEHICLES AND EQUIPMENT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with Carolina Tractor & Equipment for the provision of services related to the repair and maintenance of vehicles and equipment; and

WHEREAS, the City of Asheville desires to increase the annual contract value for the above-referenced contract from $500,000 to $650,000; and

WHEREAS, funding for said work is included in the budget and the Fleet Management Division would utilize funds from the operating budgets of the departments that are receiving the services provided by Carolina Tractor & Equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an Amendment to the Agreement for the Services on behalf of the City of Asheville with Carolina Tractor & Equipment to increase the annual contract value from $500,000 to $650,000 for services related to the repair and maintenance of vehicles and equipment and further authorized to execute any change orders to said Agreement which may arise during performance of said work up to the annual budgeted amount of $650,000.

Read, approved, and adopted this the 14th day of April 2020.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-71

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO PROVIDE TEMPORARY REDEPLOYMENT OF THE ENTITY'S RESPECTIVE EMPLOYEES TO SUPPORT BUNCOMBE COUNTY AND CITY OF ASHEVILLE CONTINUITY OF OPERATIONS DURING COVID-19 STATE OF EMERGENCY

WHEREAS, pursuant to N.C. General Statute 160A-461, the City of Asheville and Buncombe County may enter into agreements to execute a governmental undertaking; and

WHEREAS, Buncombe County requested the City of Asheville provide City employees serve in Buncombe County positions to support Buncombe County continuity of operations during the COVID-19 State of Emergency; and

WHEREAS, The City of Asheville seeks to support Buncombe County requests and redeploy City of Asheville employees to serve in Buncombe County positions, when appropriate to support Buncombe County's service delivery during the COVID-19 State of Emergency; and

WHEREAS, The City of Asheville may request Buncombe County employees serve in City of Asheville positions to support City of Asheville continuity of operations during the COVID-19 State of Emergency; and

WHEREAS, Asheville City Council authorizes the City Manager to enter into an Interlocal Agreement with Buncombe County for the purpose stated above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an interlocal agreement with Buncombe County for the purpose of providing City of Asheville employees to perform Buncombe County job functions to support Buncombe County continuity of operations during the COVID-19 State of Emergency, and request Buncombe County provide employees to perform City of Asheville job functions to support City of Asheville continuity of operations during the COVID-19 State of Emergency.

Read, approved and adopted this 14th day of April, 2020.

Magdalen Bowerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 20-72

RESOLUTION APPROVING A $100,000 APPROPRIATION TO THE ONE BUNCOMBE FUND AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY COMMUNITY SERVICE FOUNDATION, INC. ("BCSF") TO ADMINISTER THESE FUNDS FOR THE PURPOSES OF PROVIDING EMERGENCY LOANS TO SMALL BUSINESSES AND GRANTING FUNDS TO ASSIST INDIVIDUALS IMPACTED BY THE COVID-19 CRISIS

WHEREAS, in response to the COVID-19 crisis, City, Buncombe County, other local governments, the business community, and other stakeholders are coming together to create a single-point relief fund for individuals and small businesses, as well as a one-stop fund for donations to help individuals and small businesses impacted by COVID-19; and

WHEREAS, this effort is the One Buncombe Fund campaign managed by the Buncombe County Service Foundation, Inc. (BCSF), which is an existing non-profit organization created by Buncombe County with a nine-person board, which will include members of local governments including the City of Asheville, Buncombe County, businesses, and philanthropic organizations. Funds will be used to assist individuals and small businesses that have been impacted by COVID-19 and BCSF will contract with experienced third-party contractors to administer these funds; and

WHEREAS, *Funds for low and moderate income individuals* who have lost employment due to COVID-19 will be administered via the Buncombe County Health and Human Services (HHS) existing General Assistance (GA) program and used to assist with life essential needs such as utilities, rent and mortgages. Funds will be paid to the service providers, not directly to individuals; and

WHEREAS, *Funds for small businesses* impacted by COVID-19 will be provided through loans of up to $10,000 with an initial 6-month period with deferred payment of principal and interest. Small businesses are defined as those that have 1-49 employees. An initial interest rate of 4% will accrue during that period and rolls up into the loan at the end of the 6-month period; and

WHEREAS, Loans will be designed to provide a low cost "bridge funding" to help businesses stay open and limit job losses until businesses can apply for longer-term disaster funding from SBA or other sources. The BCSF will contract with a third party, Mountain BizWorks,a non-profit community development financial institution (CDFI), to administer this business program; and

WHEREAS, the City of Asheville desires to make a $100,000.00 appropriation of funds from the City's General Fund to the One Buncombe Fund for these important emergency assistance programs; and

WHEREAS, pursuant to N.C. Gen. Stat. § 158-7.1, the City is authorized to make appropriations for economic development assistance purposes that, among other things, increase the employment or business prospects of the City; and

WHEREAS, the City Council of the City of Asheville has determined that the emergency small business loan program described herein meets the aforementioned economic development purpose; and

WHEREAS, pursuant to N.C. Gen. Stat. §160A-456, the City is authorized to expend and appropriate funds for community development activities, including, but not limited to, programs that concern the employment, economic development and welfare needs of persons of low and moderate income; and

WHEREAS, the City Council of the City of Asheville has determined that the emergency assistance program for individuals described herein meets the aforementioned community development purposes; and

WHEREAS, on March 24, 2020, the City Council of the City of Asheville approved a resolution setting the public hearing for consideration of this appropriation of funds to the Buncombe One Fund for April 14, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

An appropriation of $100,000 to the One Buncombe Fund is hereby approved and the City Manager is hereby authorized to enter into an agreement with the Buncombe County Community Service Foundation, Inc. to administer these funds for the purposes of providing emergency loans to small businesses and granting funds to assist individuals impacted by the the COVID-19 crisis, and upon the terms and conditions described herein, and to further execute any and all documents necessary to give effect to this Resolution.

Read, approved, and adopted this 14th day of April, 2020.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20- 73

RESOLUTION AUTHORIZING CITY MANAGER TO DESIGNATE THE APPLICATION AGENTS AND TO APPLY FOR AND RECEIVE FUNDS FROM FEMA PUBLIC ASSISTANCE FUNDING TO RECOVER COSTS INCURRED DURING THE COVID 19 PANDEMIC

WHEREAS, the City has authority pursuant to N.C.G.S 160A-17.1 to apply for and receive grants from the State and Federal government; and

WHEREAS, the Federal Emergency Management Association has issued guidelines for Public Assistance for Federal Disaster Declaration number FEMA DR 4487; and

WHEREAS, assistance was provided to Buncombe County in addition to the City of Asheville in response to the COVID 19 Pandemic; and

WHEREAS, North Carolina' Division of Emergency Management requires the appointment of a primary and secondary agent to represent the City of Asheville who is authorized by resolution to execute and file applications for federal and/of state assistance on behalf of the City of Asheville for the purpose of obtaining certain state and federal financial assistance under the Robert T Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-228 as amended) or as otherwise available; and

WHEREAS, the City of Asheville intends to apply for funds from FEMA Public Assistance and from the State of North Carolina associated with the response to the COVID 19 pandemic;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to designate the applicant agents as Daniel Flinn, Fire Department Division Chief and Abigail Riley, Fire Department Financial Business Manager to represent and act for the City of Asheville in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to the COVID 19 pandemic as required by the agreements and the assurances.

Read, approved, and adopted this 28th day of April, 2020.

Magdalen Bulleson
CITY CLERK

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-74

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP FOR AUDITING CITY ACCOUNTS FOR FISCAL YEAR 2019-2020

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, RSM US LLP has submitted an engagement letter and contract pursuant to *Generally Accepted Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for the fiscal year 2019-2020; and

WHEREAS, the City Council desires that the City's fiscal year 2019-2020 audit service contract be awarded to the firm RSM US LLP; and

WHEREAS, funds are included in the Internal Audit division's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with RSM US LLP in the amount of $98,200 for auditing services for fiscal year 2019-2020.

Read, approved, and adopted this 12th day of May, 2020.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-75

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PROFESSIONAL SERVICES CONTRACT WITH CDM SMITH FOR THE MILLS RIVER WATER TREATMENT PLANT - MISCELLANEOUS PLANT UPGRADES - PHASE 2. DESIGN, BIDDING AND PROJECT MANAGEMENT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, CDM Smith was one of three firms selected by Staff via a qualifications based process to perform on-call professional services for Water Treatment Plant Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with CDM Smith, on June 8, 2015 and renewed the Master Agreement on March 16, 2018 for On-Call Professional Services for the Water Treatment Plant Projects; and

WHEREAS, professional Services Contract with CDM Smith for the Mills River Water Treatment Plant - Miscellaneous Plant Upgrades - Phase 2 will be a subcontract under said Master Agreement; and

WHEREAS, the use of,CDM Smith will utilize the most qualified firm to ensure timely completion and fulfill compliance with scope of services for the Mills River Water Treatment Plant - Miscellaneous Plant Upgrades - Phase 2 - Design, Bidding, and Project Management;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the contract with CDM Smith for the Mills River Water Treatment Plant - Miscellaneous Plant Upgrades - Phase 2. Design, Bidding, Project Management amount of $1,349,500 with a contingency of $40,000 for a total project cost of $1,389,500.

Read, approved, and adopted this 12th day of May 2020.

Magdalen Bulleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 20- 76

RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF A CONTRACT AMENDMENT WITH AXIS SECURITY INC FOR SECURITY SERVICES AT RED ROOF INN NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the community's existing emergency homeless shelters have been in isolation status, unable to admit new clients, the potential duration of the COVID-19 pandemic remains unknown, and there are persons in the community currently experiencing unsheltered homeless who are at grave risk for contracting COVID-19 because of age and/or underlying chronic health conditions; and

WHEREAS, the emerging best practices across the state and nation now indicate that non-congregate motel shelter better addresses the need for a public health response for persons experiencing unsheltered homelessness who are at risk for contracting COVID-19 if exposed; and

WHEREAS, The City of Asheville's Security Agreement with Axis Security Inc. is specific to the Harrah's Cherokee Center and is approaching not to exceed contractual obligations and must increase the financial value of the contract; and

WHEREAS, such non-congregate shelter operational expenses are eligible for reimbursement by the Federal Emergency Management Agency (FEMA); and

WHEREAS, Axis Security, Incorporated has agreed to continue providing 24 hour security services for the shelter through June 30, 2020, with potential renewal as agreed by the City and Axis Security Incorporated;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council ratifies the City Manager's execution of a contract amendment with Axis Security Incorporated increasing the total contract amount to $289,000.

Read, approved and adopted this 12th day of May, 2020.

Magdalen Bradley
CITY CLERK

Edwin G. Marsh
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bradley
City Clerk

RESOLUTION 20- 77

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SAFETY PROTECTION BARRIERS FOR INSTALLATION IN ASHEVILLE RIDES TRANSIT VEHICLES IN THE FLEET

WHEREAS, pursuant to N.C.G.S.§ 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, the Federal Transit Administration (FTA) has announced Notice For Supplemental FY 2020 5307 under the Coronavirus Aid, Relief, and Economic Security (CARES) Act for funding transit operations and capital projects that helps transit systems to prevent, prepare for, and respond to COVID-19; and

WHEREAS, the City has identified projects that would be eligible for this funding program that would fund related transit operations and capital projects activities responding to COVID-19; and

WHEREAS, the FTA will reimburse grant applicants for up to 100 percent of transit operations and capital cost of projects implemented with this funding program; and

WHEREAS, the FTA has indicated that no local match would be needed for projects related to COVID-19;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

City Council hereby authorizes the City Manager to purchase and install safety protection barriers in existing transit vehicles including eighteen (18) Gillig buses, five (5) Proterra electric buses, and four (4) Vicinity buses for a total of twenty-seven (27) buses at a total estimated cost not to exceed $500,000.

Read, approved and adopted this 12th day of May, 2020.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 20-78

RESOLUTION SUPPORTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN FUNDING, DESIGNING, AND CONSTRUCTING IMPROVEMENTS AT THE INTERSECTION OF NC 191 (BREVARD ROAD) AND NC 112 (SARDIS ROAD)

WHEREAS, the North Carolina Department of Transportation (NCDOT) has identified a need to make improvements at the intersection of NC 191 (Brevard Road) and NC 112 (Sardis Road); and

WHEREAS, the NCDOT is funding, designing, and constructing the improvements; and

WHEREAS, the improvements include a right-turn lane with appropriate taper along the eastbound approach of the intersection; and

WHEREAS, there is no fiscal impact to the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville supports the North Carolina Department of Transportation (NCDOT) in funding, designing, and constructing improvements at the intersection of NC 191 (Brevard Road) and NC 112 (Sardis Road).

Read, approved and adopted this the 12th day of May, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION 20-79

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S CITIZEN PARTICIPATION PLAN

WHEREAS, as a Participating Jurisdiction and Entitlement Community receiving funds from the U.S. Department of Housing and Urban Development (HUD) the City of Asheville is required to adopt a Citizen Participation Plan that describes how the City encourages citizens to participate in the development of HUD required plans and performance reports; and

WHEREAS, the plan defines the public engagement process including, but not limited to, requirements for public notice, public meetings, public hearings and public comment; availability of and access to documents; information and records; availability of technical assistance, and making complaints; and

WHEREAS, the City's 1999 Citizen Participation Plan does not include the Analysis of Impediments / Assessment of Fair Housing as required under the new Affirmatively Further Fair Housing (AFFH) Rule effective August 17, 2015 (24 CFR Part 5, along with conforming amendments to Parts 91, 570, and 903), and which has been added into the updated Plan; and

WHEREAS, the City of Asheville is required by HUD to include contingency planning for encouraging public participation for HUD funded programs in light of emergency situations, including, but not limited to COVID-19:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City's Citizen Participation Plan last amended in 1999 and adopted is hereby revised and amended as shown on Exhibit A, attached hereto and incorporated here by reference and this version hereby replaces and supersedes all prior amendments to this Policy and the revised Citizen Participation Plan meets the requirements and recommendations of HUD.

Read, approved and adopted this 12th day of May, 2020.

Magdalen Bowerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

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CITIZEN PARTICIPATION PLAN

THE CITY OF ASHEVILLE
NORTH CAROLINA

CITY OF ASHEVILLE
AND
ASHEVILLE REGIONAL HOUSING CONSORTIUM

Established June 1999
Updated April 2020

City of Asheville
Community Development Division
P. O. Box 7148
Asheville, NC 28802

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CITY OF ASHEVILLE

CITIZEN PARTICIPATION PLAN

INTRODUCTION

As a U.S. Department of Housing and Urban Development (**HUD**) entitlement recipient and participating jurisdiction, the City of Asheville is required to have and actively implement a Citizen Participation Plan.

This plan describes how the City of Asheville will seek involvement and input from citizens in its community development programs, which use federal Community Development Block Grant (**CDBG**) and HOME Investment Partnerships Program(**HOME**) funds. Input from people likely to be impacted by program activities is essential to the development of an effective program. The City of Asheville seeks to exceed the minimum federal requirements and make citizen participation a reality in all stages of the process of developing, writing and implementing the 5-year Consolidated Plan / Annual Action Plan.

The CDBG program serves low-to-moderate income residents of Asheville,whereas the HOME program provides affordable housing or direct rental assistance to low-income residents of Buncombe, Henderson, Madison and Transylvania Counties, the area covered by the Asheville Regional Housing Consortium **(the Consortium).**

REGULATORY REQUIREMENTS: FIVE-YEAR CONSOLIDATED PLANS AND ANNUAL ACTION PLANS

HUD's minimum requirements for citizen participation are set out in the regulations for "Consolidated Submission for Community Planning and Development Programs" in 24 CFR 91 Subpart B.

The focus for participation is the planning and reporting cycle for the City's Consolidated Plan for CDBG and HOME programs. The planning process is in two parts: a **Five-year Consolidated Plan** which **identifies and prioritizes** the City's housing and community development needs and develops long-term objectives and strategies for addressing them, and an Annual Action Plan which proposes specific activities to receive CDBG and HOME assistance during the coming year. NOTE - in the year of the Consolidated Plan, the Annual Action Plan is embedded in the Five-year plan, which also includes an Assessment of Fair Housing / Analysis of Impediments to Fair Housing. The City must also prepare a **Consolidated Annual Performance and Evaluation Report** (CAPER) which details accomplishments during the past fiscal year and relates them to the Strategic Plan objectives.

Participation in developing plans, implementing projects, and evaluating accomplishments is encouraged through a variety of media and services, such as:

- Public hearings, which can provide childcare for school age children. The City of Asheville works with the Parks department to provide this service

- Online surveys for individuals not available to attend public meetings. The survey would be available on the City of Asheville's Open City Hall platform, which automatically translates the survey into over 100 languages. A participation link would be emailed to focus group invitees, past grant recipients, community stakeholders, nonprofits and area agencies to distribute to their contacts.
- Paper surveys for individuals unable to complete online surveys.
- Attending neighborhood meetings and places where residents typically gather to gain insight; work with partner organizations such as the Housing Authority of the City of Asheville (HACA) to coordinate communication efforts.
- Accommodations for persons with disabilities and non-English speaking persons including but not limited to language interpretation in written materials and onsight during meeting
- Formal public comment periods / comment period is available online via email and use of public engagement software
- Publication of plans, reports, brochures
- Community Development email listserv
- Paid newspaper advertisements
- Posting to the City of Asheville's web page
- Public service announcements on Government Cable Channel and local minority radio shows
- Open meetings of the City's Housing and Community Development Committee, the Asheville Regional Housing Consortium Board, and City Council
- Technical assistance to community groups, prospective applicants, applicants, and grant recipients
- Planning focus groups
- Events celebrating milestones such as project groundbreaking.
- Encouraging newspaper and web-based coverage of activities in coordination with the City's Communication and Public Engagement (CAPE) team
- Public access to data, documents, and information
- Complaint/grievance procedure

The City of Asheville and the Community Development Division strive to encourage participation by low- and moderate-income persons, particularly those persons living in areas designated by the jurisdiction as a revitalization area or in a slum and blighted area and in areas where HUD funds are proposed to be used, and by residents of predominantly low- and moderate-income neighborhoods, as defined by the jurisdiction. Community Development will take appropriate actions to encourage the participation of all its citizens, including minorities and non-English speaking persons, as well as persons with disabilities.

This information is described in greater detail below.

PUBLIC HEARINGS

The City of Asheville holds a minimum of two public hearings for citizen participation annually in the Asheville Community when an Annual Action Plan is due. In years where a Five-Year Consolidated Plan is submitted, which includes the Annual Action Plan for that year, additional public meetings are

held in each member county of the Consortium, a minimum of one public meeting per region. A public hearing is also held for the CAPER.

Public Hearings are held at regularly scheduled City Council meetings, generally held on the second and fourth Tuesdays of each month at 5pm EST. Additional details about the City Council schedule and agenda can be found on the City of Asheville's City Council webpage. City Council meetings are live streamed through the City of Asheville's YouTube webpage.

Notices are published for the public hearings at least 30 days in advance in the Asheville CitizenTimes and adjoining Counties' newspapers and on the City's Government Cable Channel (Charter Cable channel 193 and on AT&T U-Verse channel 99). The City also issues news releases to all the local media, including social media, announcing the meeting dates, time, place and purpose.

Citizen comments made at public hearings are given due consideration, summarized and included in the 5-Year Consolidated Plan / Annual Action Plan / CAPER.

ACCOMMODATIONS FOR PERSONS WITH DISABILITIES AND NON-ENGLISH SPEAKING PERSONS

All public hearings are held in places accessible to persons with restricted mobility with special attention paid to locations serviced frequently by transit. The City maintains a TTY system (telephone communication for the hearing impaired) on 828.259.5548. City Council Chamber is equipped with a Phonic Ear system for the deaf, and a portable system is available for other locations with 72 hours notice. Sign language interpretation at public hearings is available if requested at least 72 hours in advance. Staff will assist persons with visual impairment by reading material to them on request. Accommodations for non-English speaking persons include on-site translation. The city has a contract with a local vendor who can attend meetings.

FORMAL PUBLIC COMMENT PERIODS

The Five-Year Consolidated Plan and Annual Action Plans, or substantial amendments to them, are made available in draft form for public comment at least 30 days before they are due to be approved by City Council. The draft of the Five-Year Consolidated Plan will be posted on the Community Development webpage and a printed copy is available by request from the City of Asheville's Community Development Division, 70 Court Plaza, Asheville NC 28801. For the Annual Action Plan, a summary notice is provided in the Legal section of the Asheville Citizen Times. The CAPER is made available for comment at least 15 days before submittal to HUD.The draft of the CAPER will be posted on the Community Development webpage and is available by request as noted above.

Citizen written comments made during these periods are reproduced in full in the Consolidated Plan, amended Plan, or CAPER.

When plans are formally approved by City Council and accepted by HUD, the Community Development Department emails a link to the City's CD website where the plan is located through their CD Listserv. As always, printed copies are available upon request.

HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

The City's Housing and Community Development Committee (HCD Committee) consists of three City Council Members appointed by the Mayor. It meets monthly to review the progress of CDBG programs, to discuss other community development issues, and to make recommendations on issues that are due to come before Council. In particular, it reviews CDBG funding requests and recommends the allocation of CDBG funds in the Annual Action Plan.

HCD Committee meetings are open to the public and noticed in conjunction with the City Manager's Office (CMO). Materials, agendas, and additional information are also emailed out from the CMO. Meeting materials, agendas, and additional information can also be found on the Housing and Community Development webpage. All HCD meetings include an opportunity for public comment at the end of the meeting. HCD meetings are additionally live streamed through the City of Asheville's YouTube channel. The meetings currently occur in the first floor conference room of City Hall, 70 Court Plaza, on the 3rd Tuesday of each month, 10am - 12noon.

ASHEVILLE REGIONAL HOUSING CONSORTIUM BOARD

The Asheville Regional Housing Consortium Board consists of representation from 13 units of government from the four-county Consortium area of Henderson, Buncombe, Madison, and Transylvania counties. The Consortium's Board of Directors, appointed by the member governments, sets policy and oversees management of the HOME program. One of its primary functions is to make recommendations to the Asheville City Council for the annual allocation of HOME funds in the Consolidated Action Plan.

The Board meets four times a year. All meetings are open to the public and are notified in advance to throughout the Consortium area, and to anyone else who requests it. Meeting materials are emailed before each meeting to the Consortium Board and are available upon request to the public.

PARTICIPATION & PARTNERSHIPS

The City of Asheville's Community Development Department works in partnership with a variety of organizations, community members, HUD-funded groups and nonprofits throughout the year. The CD Division also works with a variety of other divisions and departments within the City of Asheville, including Economic Development and Planning among others. In each and every opportunity to work in partnership, CD engages community members and organizations to share ideas, participate in public meetings, and attend City Council meetings where CD is discussing programs such as CDBG & HOME funding. This outward face of the division is vital to the participation process and often leads to new ideas, funded programs, and measured outcomes that benefit the community.

Community Development staff also maintain close liaison with groups and coalitions concerned with specific community issues and neighborhoods. These include the Homeless Coalition, the Homeless Initiative Advisory Committee (HIAC), the Affordable Housing Advisory Committee (AHAC), the Asheville Buncombe Community Land Trust (ABCLT), the Land of the Sky Association of Realtors Affordable Housing Committee (LOTSAR), the Land of the Sky Council of Governments (COG), the

Asheville Chamber of Commerce, the Housing Authority of the City of Asheville (HACA). City staff participate actively in meetings of these groups and carry their concerns back to City decisionmakers, but stop short of engaging in advocacy activities on their behalf.

PUBLIC ACCESS TO RECORDS

In accordance with North Carolina state law, the City's housing and community development records are open to the public. Exceptions are records that contain personal identifying information and most financial information about individuals who are assisted through the programs. Requests to access records other than published plans and reports should be made through the Open Records Portal and should be sufficiently precise to enable staff to identify the specific records that are needed.

COMPLAINTS AND GRIEVANCES

Written or oral complaints or grievances concerning the Consolidated Planning process or the CDBG and HOME programs should be addressed to the City's Community Development Division. The Division will make every effort to respond within 10 working days. Written responses will be mailed within 15 working days of receiving a written complaint or grievance. Should the complainant not be satisfied, the complainant may arrange a meeting with the Community Development Program Director to discuss the matter. Any citizen may contact the Mayor or address City Council or its Housing and Community Development Committee at their regular meetings to discuss problems not resolved at staff level.

PROCESS FOR PARTICIPATION IN THE FIVE-YEAR CONSOLIDATED PLAN

The Consolidated Strategic Plan, or Con Plan, first developed in 1995, is revised every five years, although it may be amended in the interim. It identifies and prioritizes housing needs in the area covered by the Consortium, other community development needs in the City of Asheville and develops long-term objectives and strategies for addressing them.

Before adoption of the Five-Year Consolidated Plan or the Annual Action Plan, the Community Development Division will make available to citizens, public agencies, interested parties, and to the larger public information about the plan, including the amount of assistance the City of Asheville expects to receive (including program income) and the range of activities that may be undertaken with those funds, including the estimated amount that will benefit persons of low- and moderate income.

In order to maximize citizen participation in this important planning process, the City will not only use public hearings and a formal public comment period but City Staff will begin the outreach process in August, 9 months before the Con Plan is due. Examples of early outreach will include -

- A meeting with our internal CAPE Team to discuss early outreach opportunities including the City's website, social media and mass media, as well as develop a "checklist" plan to maximize citizen participation & outreach.
- A Staff Memo sent to all City of Asheville Boards & Commissions outlining the process as well as discussion of the process at appropriate City housing & economic development meetings.

- This Staff Memo would also be sent to our many community organizations & non-profits, many listed under the Participation & Partnerships heading of this Plan.
- Staff representation at community events and meetings to receive community feedback, answer questions, discuss what a Con Plan is as well as the process for the plan.

The aim will be to have a draft Five-Year Consolidated Plan largely completed by March of the calendar year before it is due to be submitted (usually May/June 2020, 2025, 2030, etc.) so that its priorities and objectives can be reflected in the evaluation of funding requests for the coming year.

The draft Five-Year Consolidated Plan will be reviewed by the HCD Committee and Consortium Board, published for citizen comment, along with the Action Plan for the coming year, and discussed in Public hearings, before being approved by City Council and submitted to HUD.

PROCESS FOR PARTICIPATION IN THE ANNUAL ACTION PLAN

This annual process is best shown in the form of an estimated schedule:

1	Publish notice of estimated CDBG and HOME funds available, including a memo to the HCD Committee and the Asheville Regional Housing Consortium Board	November
2	One Public Hearing in Asheville and public notice in each Consortium County, including Buncombe, Transylvania, Henderson and Madison County. Review previous year accomplishments, review priorities and objectives.	December
3	Community Development staff open the application for CDBG and HOME funds for the upcoming fiscal / program year	December
4	Staff work with community groups to formulate proposals	Dec. / Jan.
5	Deadline for CDBG and HOME funding applications	Early February
6	CD Staff offers technical assistance on applications, reviews for eligibility & makes recommendations to the Committee & the Consortium	February
7	HCD Committee reviews CDBG proposals Consortium Board reviews HOME proposals	March
8	HCD Committee recommends CDBG allocations; Consortium Board recommends HOME allocations	late March
8	Proposed Action Plan published; public comment period starts	April

9	Set the Public Hearing with City Council	April
10	Public Hearing with Asheville City Council	May
11	Draft Plan amended if necessary	May
12	City Council adopts Consolidated Plan	May
13	Submit consolidated plan to HUD	Mid-May

AMENDMENT OF THE 5-YEAR CONSOLIDATED PLAN/ANNUAL ACTION PLAN:

Minor and technical amendments to consolidated plans may be made without seeking citizen participation; however, the following are considered substantial amendments:

a) Addition of a new activity or new priority
b) Cancellation of an activity or deletion of a priority
c) A change in the nature of an activity, its location, or its target population, such that different persons will be impacted by it.
d) A change of more than 50% in the amount of funds allocated to an activity.

The City Council must approve all substantial amendments. Notice of the proposed amendment and public hearing will be published for comment in the legal section of local and regional newspapers, the Community Development website, CD email listserv, by announcement at related City Council Committees at least 30 days before it is to be approved, and a public hearing will be held during or at the end of the comment period. Public comments received before and during the public hearing are considered by City Council before approving or denying the amendment.

CONTINGENCY OPERATIONS DURING A DECLARED LOCAL, STATE,AND/ OR NATIONAL EMERGENCY:

In the event of a local, state, and/ or national declaration of emergency or any similar crisis or safety declaration, the effect of which necessitates that the public participation process be modified, the following adjustments will be applied to the public participation process:

1) There will be no public attendance at board, committee, or City Council meetings unless approved otherwise by State order or the City Manager.
2) Public Comment will be taken digitally on all items with the following guidelines:
    a) Any public comment must be sent in by 5:00 pm the day before the meeting. Information on how to submit comments remotely will be posted on the City of Asheville's City Government webpage for City Council meetings or otherwise on the Asheville Regional Housing Consortium webpage or the Housing & Community Development webpage in question for other meetings. The comment must state the agenda item on which you are commenting or if the comment is for informal discussion;

b) Opportunities to provide public comment will be actively shared through the CD email listserv which includes many of our City partners and members of the community.
c) The comment must not exceed 350 words in length
d) The public will be notified of any draft Annual Action Plans, draft Consolidated Plans, or substantial amendments thereof and will be provided a minimum of five (5) days of notice prior to the comment period. All comments received will be recorded and incorporated into the final planning documents.

3) We encourage anyone wishing to attend the meeting--including news media--to instead watch it live via the City of Asheville's live stream at this link.
4) City of Asheville will continue to follow HUD's guidance and recommendations for best practices in citizen participation and other relevant guidance pertaining to the administration of HUD funds, specifically CDBG and HOME.
5) In the event that an allocation related to the contingency event is made to the City of Asheville from HUD and/or in the case that board/ commission meetings are temporarily suspended, the City of Asheville reserves the right to proceed directly to City Council with a funding plan in the interest of expedient response to the community need. Public notification and comment will be included as indicated directly above and any such comments received will be incorporated into any plans or amendments which shall follow and be related to such allocations of funds.

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APPENDIX A - DEFINITIONS / ACRONYMS

Annual Action Plan: The document that describes the needs, resources, priorities, and proposed activities to be undertaken over a one-year period with respect to HUD programs, including CDBG and HOME program as is part of the 5-Year Consolidated Plan.

Analysis of Impediments to Fair Housing (AI): a comprehensive review of impediments to fair housing choice in the public and private section within a particular jurisdiction. Included in the AI is a review laws, regulations, administrative policies, procedures, and an assessment of how those laws, etc. affect the location availability and accessibility of housing. Full the full scope of the definition, please refer to the HUD's Fair Housing Planning Guide.

Assessment of Fair Housing (AFH): A process by which a jurisdiction or entitlement community analyzes the local fair housing landscape and sets fair housing priorities and goals in the course of this assessment. Goals are set to overcome fair housing issues and these goals must inform subsequent housing and community development planning processes. For more information, please refer to HUD's Assessment of Fair Housing webpage.

Five-Year Consolidated Plan: Also referred to as the Consolidated Plan, is a document that serves as the planning document (comprehensive housing affordability strategic and community development Plan) of the jurisdiction and an application for funding under any of the Community Planning and Development formula grant programs. which is prepared in accordance with the process prescribed in 24 CFR Part 91. The plan describes needs, resources, priorities, and proposed activities to be undertaken over a give-year period with respect to HUD programs.

Consolidated Annual Performance Evaluation Report (CAPER)- The document that provides HUD with the necessary information to assess each grantee's ability to carry out its programs in compliance with applicable regulations and requirements and describes the grantee's program achievements to its citizens. The CAPER is submitted to HUD annually at the conclusion of the program year.

Entitlement: The designation of a metropolitan city that is entitle received funds under the Entitlement grant program, as determined by a formula set forth in section I06

Participating Jurisdiction (PJ) A locality or state that receives HOME funds. The City of Asheville, in partnership with Buncombe, Henderson, Madison, and Transylvania county are the representative governments in which City of Asheville HOME funds are awarded and administered.

Substantial Amendment: An amendment or revision for the Five-Year Consolidated Plan or Annual Action Plan and is one which includes the additional of a new activity or priority; a change in the nature of an activity, its location, or its target population such that different citizens will be impacted by it; or a change in more than 50% of the funds allocated.

APPENDIX B - KEY PARTNERS

The Community Development Division shall maintain a list (database) of local and area organizations representing the following:

- For-profit and nonprofit developers
- Neighborhood Associations
- Community development organizations
- Transportation department and planners
- Parks and recreation department
- Workforce and economic development agencies
- Chambers of Commerce
- City of Asheville Departments of Planning, Police, Fire, Public Works, Code Enforcement, Economic Development and Recreation
- Neighboring Jurisdictions - Buncombe County, Henderson County, Transylvania County, Madison County
- Regional government associations
- Foundations
- Key institutional employers (including hospitals, university, community college, etc.)
- Non-profit organizations representing populations for which AFH, AI, and Consolidated Plan regulations require special emphasis:
    - Low-and-moderate income persons
    - Residents of slums, blighted areas, and low-and-moderate income areas
    - Non-English speaking persons
    - Persons with disabilities
    - Public Housing residents and other low-income residents of targeted revitalization areas
    - Special needs populations

RESOLUTION NO. 20-80

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING HARRAH'S CHEROKEE CENTER - ASHEVILLE GARAGE REPAIR CONTRACT BETWEEN THE CITY OF ASHEVILLE AND RESTOCON CORPORATION

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville contracted with Restocon Corporation in the amount of $274,000 during October 2018 to provide repair services to the City of Asheville's Harrah's Cherokee Center - Asheville Parking Garage

WHEREAS, additional repairs to the center stairwell in the parking garage are needed for it to be available for public use;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute an amendment to the existing parking garage repair contract between the City of Asheville and Restocon Corporation, increasing the total value of the contract to $408,000.

Read, approved and adopted this the 12th day of May, 2020.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-81

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE JOHN R. MCADAMS COMPANY, INC. FOR THE PEBBLE CREEK STREAM STABILIZATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, qualifications were solicited for the Pebble Creek Stream Stabilization Project, City of Asheville Project #298-SW-18-19; and

WHEREAS, the qualifications were reviewed by the Public Works Department and The John R. McAdams Company, Inc. was the most qualified firm for the project; and

WHEREAS, The John R. McAdams Company, Inc. provided professional services for Phase 1 of this project and Public Works desires for them to continue to provide professional services for Phase 2 of this project in order to complete the design and take the project through construction; and

WHEREAS, the additional amount needed for the contract amendment is $57,941.56 and the monies have been budgeted in the Stormwater Capital Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract amendment in the amount of $71,200 with The John R. McAdams Company, Inc. and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $10,680 (15%) for a total Phase 2 budget amount of $81,880 resulting in a total revised contract amount of $148,210 and a revised professional services budget amount of $146,573.06 for the Pebble Creek Stream Stabilization Project.

Read, approved, and adopted this the 12th day of May 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20- 82

RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF MEMORANDUM OF UNDERSTANDING WITH RED ROOF INN FOR PROVISION OF MOTEL ROOMS FOR NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the community's existing emergency homeless shelters have been in isolation status, unable to admit new clients, the potential duration of the COVID-19 pandemic remains unknown, and there are persons in the community currently experiencing unsheltered homeless who are at grave risk for contracting COVID-19 because of age and/or underlying chronic health conditions; and

WHEREAS, the emerging best practices across the state and nation now indicate that non-congregate motel shelter better addresses the need for a public health response for persons experiencing unsheltered homelessness who are at risk for contracting COVID-19 if exposed; and

WHEREAS, the City of Asheville's license agreement with Homeward Bound of Western North Carolina to operate a COVID-19 emergency homeless shelter at Harrah's Cherokee Center Asheville is expiring and no other suitable location for this specific shelter need has been identified; and

WHEREAS, such non-congregate shelter operational expenses are eligible for reimbursement by the Federal Emergency Management Agency (FEMA); and

WHEREAS, Red Roof Inn, Incorporated has agreed to provide up to 60 motel rooms to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness who are at risk of contracting COVID-19 for an initial period of 30 days, with potential renewal for subsequent 30 day periods as agreed by the City and Red Roof Inn, Incorporated;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council ratifies the City Manager's execution of a Memorandum of Understanding with Red Roof Inn, Incorporated for provision of 60 rooms at a nightly rate of $44.99 plus applicable taxes for an initial period of 30 days; and

City Council authorizes the City Manager to execute a Memorandum of Understanding with Red Roof Inn, Incorporated for subsequent 30 day periods if public health declarations require such extensions to meet the needs of persons experiencing unsheltered homelessness and as agreed by the parties.

Read, approved and adopted this 12th day of May, 2020.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20- 83

RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF A CONTRACT WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA TO OPERATE A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the community's existing emergency homeless shelters have been in isolation status, unable to admit new clients, the potential duration of the COVID-19 pandemic remains unknown, and there are persons in the community currently experiencing unsheltered homeless who are at grave risk for contracting COVID-19 because of age and/or underlying chronic health conditions; and

WHEREAS, the emerging best practices across the state and nation now indicate that non-congregate motel shelter better addresses the need for a public health response for persons experiencing unsheltered homelessness who are at risk for contracting COVID-19 if exposed; and

WHEREAS, the City of Asheville license agreement with Homeward Bound of Western North Carolina to operate a COVID-19 emergency homeless shelter at Harrah's Cherokee Center Asheville is expiring; and

WHEREAS, the City of Asheville has executed a Memorandum of Understanding with Red Roof Inn, Incorporated to provide 60 rooms of non-congregate emergency shelter for persons experiencing unsheltered homelessness at its property located at 16 Crowell Road in Asheville; and

WHEREAS, such non-congregate shelter operational expenses are eligible for reimbursement by the Federal Emergency Management Agency (FEMA); and

WHEREAS, Homeward Bound of Western North Carolina has already been successfully providing staff support for operations of the existing emergency COVID-19 shelter at Harrah's Cherokee Center Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council ratifies City Manager's execution of a Services Agreement with Homeward Bound of Western North Carolina for an initial 30 day period to continue provision of essential staff services and supplies at the non-congregate shelter operational at the Red Roof Inn, 60 Crowell Road in Asheville.

City Council authorizes the City Manager to execute additional 30-day contract extensions with Homeward Bound of Western North Carolina if public health declarations require such extensions to meet the needs of persons experiencing unsheltered homelessness and as agreed by the parties.

Read, approved and adopted this 12th day of May, 2020.

Magdalen Bowlesson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 20-84

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH J. BARTHOLOMEW CONSTRUCTION, FOR THE SHELBURNE ROOF AND WINDOW REPLACEMENT PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Shelburne Roof and Window Replacement project, City of Asheville Project # 298-rebid-ShelburneRoof. Base Bid and Alternate #1 are accepted. Window replacement in Alternate #2 did not meet the budget and is not accepted; and

WHEREAS, J. Bartholomew Construction, LLC of Hendersonville, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, the amount of the bid is $ 632,500.00, and funding for the project is allocated within the Capital Projects Program budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with J. Bartholomew Construction, LLC, in the amount of $ 632,500, for the Shelburne Roof and Window Replacement project; further authorizing the City Manager to execute any change orders that may arise during the project up to the 5% construction contingency amount of $ 31,625.

Read, approved and adopted this the 26th day of May, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-85

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY ON OLD HAYWOOD ROAD AND EASTVIEW CIRCLE TO HAWTHORNE AT HAYWOOD APARTMENTS, LLC FOR CONSTRUCTION OF A SEWER SERVICE LINE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of the Old Haywood/Eastview Circle property located near this intersection, identified as PIN # 9618-90-5267 (the "Property"); and

WHEREAS, the property owner has requested an easement of 2,000 square feet whose fair market value has been determined to be $4,820 and the property owner has agreed to pay that amount to the City of Asheville; and

WHEREAS, the City's Police, Fire and Streets Department were consulted and have no objections to the connection because its location, minimal impact to the Property, and the easement will not impact the City's ability to access Old Haywood Road in the future;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent sewer easement over a portion of property located on the Old Haywood Road & Eastview Circle to Hawthorne at Haywood Apartments, LLC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 26th day of May, 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-86

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GMV SYNCROMATICS TO PROVIDE DIGITAL REAL-TIME ARRIVAL/DEPARTURE SIGNAGE AT THE DOWNTOWN TRANSIT CENTER

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville issued a competitive request for proposals for the purpose of selecting a vendor to provide real-time digital signage for the transit center and the transit system overall;

WHEREAS, the City of Asheville has selected GMV Syncromatics to provide the real-time digital signage under a 3-year contract with options to renew for two additional years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute a contract with GMV Syncromatics in an amount not to exceed $188,068 to provide digital real-time arrival and departure signage at the downtown transit center.

Read, approved and adopted this the 26th day of May, 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-87

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH ESRI, INC. FOR A THREE YEAR CONTRACT FOR GIS SOFTWARE MAINTENANCE

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. sec 160A-20 to enter into contracts with private entities to perform any authorized functions; and

WHEREAS, the City had a three year contract with Esri, Inc. for GIS software maintenance, and staff recommends a new 3 year contract; and

WHEREAS, the software maintenance contract provides for a fixed rate maintenance cost for the next three years; and

WHEREAS, the current contract between the City of Asheville and Esri, Inc. will be expiring and both parties wish to enter into a new three year contract for maintenance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with Esri, Inc. on behalf of the City of Asheville for the purpose of providing a fixed rate maintenance contract for GIS software in the amount of $55,500 per year for the next three years for a total amount of $178,155, including sales tax.

Read, approved, and adopted this the 26th day of May, 2020.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

310

RESOLUTION NO. 20-88

RESOLUTION APPOINTING VICE-MAYOR GWEN WISLER TO REPRESENT THE CITY OF ASHEVILLE ON THE FRIENDS OF THE FONTA FLORA STATE TRAIL, INC BOARD OF DIRECTORS

WHEREAS, the 100 mile Fonta Flora State Trail is a recognized multi-county regional trail from Lake James to Asheville; and

WHEREAS, on December 13, 2016, the City of Asheville adopted the extension of the Fonta Flora State Trail to terminate in Asheville; and

WHEREAS, the Friends of the Fonta Flora State Trail, a non-profit organization designed to support the local effort to coordinate and hasten the planning and implementation of the Fonta Flora State Trail, is currently being formed and the board is made up of elected officials, trail representatives, and economic development officials from the 3 county area; and

WHEREAS, because she is the liaison of the City of Asheville's Greenways Committee, Vice-Mayor Gwen Wisler was invited to be the representative of the City of Asheville by the Friends of the Fonta Flora State Trail; and

WHEREAS. The City of Asheville strives to improve transportation and accessibility plus have a connected and engaged community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Vice-Mayor Wisler be and she is hereby authorized to represent the City of Asheville on the Friends of the Fonta FLora State Trail to serve a term of three years.

Read, approved and adopted this the 26th day of May, 2020.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-89

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE SELECTED ENGINEERING FIRM, MATTERN & CRAIG, INC., FOR THE BOND SIDEWALK BUNDLE B DESIGN CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, a request for qualifications were solicited for the project known as Bond Sidewalk Bundle B Design, City of Asheville Project # X1806 and Contract #91800177; and

WHEREAS, Mattern & Craig, Inc. of Asheville, NC was the best qualified consulting firm responding to the request for qualifications, and

WHEREAS, the contract generally consists of design services, surveying, construction documents, permitting, right-of-way and easement acquisition, environmental documents, and community outreach; and

WHEREAS, City originally entered into a contract in the amount of $573,725 for Bond Sidewalk Bundle B design services (Resolution 17-261, dated November 27, 2017), and later expanded the scope of services to include right-of-way and easement acquisition and environmental documents meeting Federal guidelines, as well as sanitary sewer design services for a total contract amount of $680,375 (Resolution 19-109, dated May 14, 2019); and

WHEREAS, the City needs to further expand the scope of services to include design investigations for re-aligning the proposed sidewalk to the west side of New Haw Creek Road to avoid steep sideslopes, power pole interference, on-street parking loss, and existing guardrail, as well as additional survey, drainage, and retaining wall considerations for a cost of $39,405;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment with Mattern & Craig, Inc. in the amount of $39,405, for a total contract amount of $719,780 and to further authorize change orders up to the contingency amount of $71,000 (9.8%) for Bond Sidewalk Bundle B.

Read, approved, and adopted this the 26th day of May, 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION 20-90

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF $25,000,000 GENERAL OBLIGATION BOND OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the Bond Orders (as defined in Appendix A) have been adopted, and it is desirable to make provision for the issuance of the Bond authorized by the Bond Orders;

WHEREAS, the City of Asheville, North Carolina (the *"City"*) desires to issue its General Obligation Bond, Series 2020 in an aggregate principal amount of $25,000,000 (the *"Bond"*) and to request that the Local Government Commission (the *"Commission"*) sell the Bond to Bank of America, N.A. (the *"Purchaser"*), in accordance with the terms provided herein and in a Bond Purchase and Advance Agreement to be dated on or about June 10, 2020 (the *"Purchase Agreement"*) between the City and the Purchaser;

WHEREAS, the City Council has determined that it is in the best interest of the City to continue to have a short-term borrowing program to finance capital costs of projects authorized by the Bond Orders;

WHEREAS, the City Council has determined to authorize the Bond to evidence its short-term borrowing program to finance capital costs of projects authorized by the Bond Orders;

WHEREAS, the City Council has considered and recognizes that variable interest rate debt instruments may subject the City to the risk of higher interest rates but believes that utilizing the short-term financing as an interim source of funding for paying costs of the projects authorized by the Bond Orders lowers the City's overall cost of capital and therefore is superior to issuing fixed rate bonds for such purpose at this time;

WHEREAS, the City Council finds and determines that (i) the issuance of the Bond is necessary and expedient and (ii) the budget estimates of the taxes are reasonable;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. For purposes of this Bond Resolution, all capitalized, undefined words have the meanings ascribed to them in Appendix A hereto.

Section 2. The City is hereby authorized to issue not to exceed $25,000,000 in total aggregate principal amount of its Bond. The Chief Financial Officer of the City, and her designees, with advice from the City Attorney and bond counsel, is hereby authorized, directed and designated to provide such information as the North Carolina Local Government Commission requests related to the application for approval of the Bond and the authorization and issuance of the Bond.

Although the Bond will be issued in a nominal principal amount of $25,000,000, because proceeds of the Bond are being drawn down over time and the total principal amount may not be used, it will be the amount of each Advance that will be used for purposes of determining the amount of bonds issued under and against the Bond Orders. The Chief Financial Officer, or her designee, will indicate as part of each request for an Advance the amount to be applied against each Bond Order.

Section 3. The Bond shall be issued on the terms, in the form and in the manner set forth in this Bond Resolution, including Appendix A hereto. The Bond is being issued to provide funds to pay the capital costs of the Projects authorized by the Bond Orders.

Section 4. Each of the Mayor, the City Manager, the City Attorney, the Chief Financial Officer, the Treasurer and the City Clerk, including anyone serving in an interim capacity, or their respective designees (the "*Authorized Officers*") are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Bond Resolution and the Purchase Agreement except that none of the above is authorized or empowered to do anything or execute any document which is in contravention, in any way, of (a) the specific provisions of this Bond Resolution, (b) any agreement to which the City is bound, (c) any rule or regulation of the City or (d) any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

From the adoption of this Bond Resolution until the date of the first issuance of the Bond hereunder, the City Manager and the Chief Financial Officer are each hereby authorized, empowered and directed to make any changes, modifications, additions or deletions to Appendix A hereto as shall to them seem necessary, desirable or appropriate and that in their opinion may be necessary to implement the intent of this Bond Resolution. Such changes, modifications, additions or deletions to Appendix A shall be set forth in a certificate executed by the City Manager or the Chief Financial Officer on the date of issuance of the Bond hereunder.

Section 5. The Commission is hereby requested to sell the Bond by private sale without advertisement to the Purchaser at such prices as the Commission determines to be in the best interest of the City and in accordance with the provisions of the Purchase Agreement. The Bond will be sold at 100% of the principal amount thereof in accordance with the provisions hereof and will bear interest at the variable interest rates set forth in this Bond Resolution and the Purchase Agreement. The Authorized Officers are hereby authorized and directed to cause the Bond to be prepared and, when it shall have been duly sold by the Commission, to execute the Bond for delivery to the Purchaser.

Section 6. The form and content of the Purchase Agreement be and the same hereby is in all respects approved and confirmed, and each of the Authorized Officers be and they hereby are authorized, empowered, and directed to execute and deliver the Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, the execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein.

Section 7. From and after the execution and delivery of the documents hereinabove authorized, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed, and are further authorized to take any and all further actions to execute and deliver any and all other documents as may be necessary in the issuance of the Bond and administering the Purchase Agreement and other related documents such that they continue to serve the purpose for which they were executed and delivered.

The Authorized Officers and the City Clerk are each hereby authorized and directed to prepare and furnish, when the Bond is issued, certified copies of all the proceedings and records of the City Council relating to the Bond, and such other affidavits, certificates and documents as may be required to show the facts relating to the legality and marketability of the Bond as such facts appear on the books and records in such party's custody and control or as otherwise known to them; and all such certified copies,

certificates, affidavits and documents, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

All acts and doings of the Authorized Officers that are in conformity with the purposes and intents of this Bond Resolution and in the furtherance of the issuance of the Bond are in all respects approved and confirmed. Any provision in this Bond Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 8. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions hereof or of the Bond authorized hereunder.

Section 9. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 10. That this Bond Resolution is effective on the date of its adoption.

Magdalen Bruleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bruleson
City Clerk

APPENDIX A

to

CITY OF ASHEVILLE, NORTH CAROLINA

RESOLUTION ADOPTED MAY 26, 2020

Relating to the Issuance of

$25,000,000
General Obligation Bond, Series 2020
(Draw Program)

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ARTICLE I.

DEFINITIONS

Section 1.01. ***Meaning of Words and Terms***

. The following terms, except where the context indicates otherwise, have the respective meanings set forth below:

"*Advance*" means all advances of the purchase price of the Bond made by the Purchaser under the Purchase Agreement on or before the Advance Termination Date.

"*Advance Termination Date*" has the meaning assigned to such term in Section 4.01.

"*Amortization Period*" means the period from the Full Funding Date until the Maturity Date.

"*Appendix A*" means this Appendix A which is attached to, and incorporated in, the Bond Resolution.

"*Bond*" means the up to $25,000,000 City of Asheville, North Carolina General Obligation Bond, Series 2020 issued pursuant to the Bond Resolution, including this Appendix A.

"Bond Orders" means, collectively, the Bond Order authorizing the City to issue general obligation bonds to finance certain transportation projects and the Bond Order authorizing the City to issue general obligation bonds to finance certain parks and recreation projects, each adopted by the City Council on August 9, 2016 and approved by a majority of voters at a referendum held on November 8, 2016.

"*Bond Resolution*" means the Resolution adopted by the City Council of the City on May 26, 2020 with respect to the Bond, which includes this Appendix A, and any amendments or supplements thereto.

"*Business Day*" means, with respect to the Bond, any day other than a Saturday or Sunday or a legal holiday on which commercial banks are authorized or required by law to be closed for business in Asheville, North Carolina.

"*Chief Financial Officer*" means the Chief Financial Officer of the City, the person performing the duties of the Chief Financial Officer or the official succeeding to the Chief Financial Officer's principal functions, serving as the finance officer of the City.

"*Closing Date*" means the date of initial issuance of the Bond.

"*Code*" means the Internal Revenue Code of 1986, as from time to time amended.

"*Commission*" means the Local Government Commission of North Carolina.

"Day Count" means actual days elapsed in a 360-day year.

"Default Rate" means the Term Loan Interest Rate plus three percent (3%) per annum.

"*Determination of Taxability*" means, with respect to the Bond, a determination that all or a portion of the interest on the Bond is included in gross income of the Owner thereof for federal income tax purposes, as a result of an action, or failure to act, by the City, which determination shall be deemed to have been made upon the occurrence of the first to occur of the following: (1) the date on which such Owner is advised in writing by the Commissioner or any District Director of the Internal Revenue Service that, as a result of an action, or failure to act, by the City, all or a portion of the interest on the Bond is included in the gross income of the Owner for federal income tax purposes; (2) the date on which the City receives notice from such Owner that the Owner has been advised in writing that the Internal Revenue Service has issued a statutory notice of deficiency or similar notice to the Owner which asserts, in effect, that all or a portion of the interest with respect to the Bond received by the Owner is included in the gross income of the Owner for federal income tax purposes, as a result of an action, or failure to act, by the City; (3) the date on which the City is advised in writing by the Commissioner or any District Director of the Internal Revenue Service that there has been issued a public or private ruling of the Internal Revenue Service that all or a portion of the interest on the Bond is included in the gross income of the Owner thereof for federal income tax purposes as a result of an action, or failure to act, by the City; or (4) the date on which the City is advised in writing by counsel to the Owner of the Bond that a final determination, from which no further right of appeal exists, has been made by a court of competent jurisdiction in the United States of America in a proceeding with respect to which the City has been given written notice and an opportunity, at the expense of the City, to participate and defend that interest on the Bond is included in the gross income of such Owner for federal income tax purposes, as a result of an action, or failure to act, by the City.

"Event of Default" has the meaning set forth in the Purchase Agreement.

"Fed Funds Rate" means for any day, the rate per annum equal to the weighted average of the rates on overnight federal funds transactions with members of the Federal Reserve System arranged by federal funds brokers on such day, as published by the Federal Reserve Bank of New York on the Business Day next succeeding such day; provided that (a) if such day is not a Business Day, the Federal Funds Rate for such day shall be such rate on such transactions on the next preceding Business Day as so published on the next succeeding Business Day, and (b) if no such rate is so published on such next succeeding Business Day, the Federal Funds Rate for such day shall be the average rate (rounded upward, if necessary, to a whole multiple of 1/100 of 1%) charged to the Owner on such day on such transactions, as determined by the Owner.

"*Full Funding Date*" means June 1, 2023.

"*Initial Term Interest Rate*" means with respect to each Interest Rate Period, a per annum rate of interest equal to the sum of (80% of the LIBOR Index) plus 1.38% per annum (138 bppa).

"*Initial Term Period*" means the period commencing on the Closing Date and ending on the Full Funding Date.

"*Interest Payment Date*" means the first Business Day of each month and any other date that interest is required to be paid on the Bond under the Purchase Agreement.

"*Interest Rate*" means, with respect to the Bond, (a) during the Initial Term Period, a per annum rate of interest equal to the Initial Term Interest Rate, and (b) during the Term Loan Period, the Term Loan Interest Rate; provided, however, that (1) upon a Determination of Taxability, the Bond will bear interest during the Taxable Period at a rate equal to the Taxable Rate, (2) upon the occurrence and during the continuation of an Event of Default (as defined in the Purchase Agreement), the Interest Rate shall be a per annum rate of interest equal to the Default Rate and (3) in no event shall the Interest Rate exceed the Maximum Rate.

"*Interest Rate Period*" means the period commencing on the Closing Date and ending on the day preceding the first LIBOR Index Reset Date, and thereafter commencing on each LIBOR Index Reset Date and ending on the day preceding the next succeeding LIBOR Index Reset Date.

"*LIBOR Index*" means for any date, the rate per annum equal to the London Interbank Offered Rate (or a comparable or successor rate which is approved by the Purchaser), as published by Bloomberg (or other commercially available source providing quotations of such rate as selected by the Purchaser from time to time) as determined for each LIBOR Index Reset Date at approximately 11:00 a.m. London time two (2) London Banking Days prior to such LIBOR Index Reset Date, for U.S. Dollar deposits (for delivery on the first day of such interest period) with a term of one month, as adjusted from time to time in the Purchaser's sole discretion for reserve requirements, deposit insurance assessment rates and other regulatory costs; provided that (i) to the extent a comparable or successor rate is approved by the Purchaser in connection herewith, the approved rate shall be applied in a manner consistent with market practice; and provided further that to the extent such market practice is not administratively feasible for the Purchaser, such approved rate shall be applied in a manner otherwise reasonably determined by the Purchaser and (ii) if the LIBOR Index shall be less than zero, such rate shall be deemed zero for purposes hereof. For purposes of this definition, a "London Banking Day" is a day on which banks in London are open for business and dealing in offshore dollars.

"*LIBOR Index Reset Date*" means the first Business Day of the calendar month.

"*Mail*" means first-class United States mail, postage prepaid.

"*Maturity Date*" means June 1, 2026.

"*Maximum Rate*" means the lesser of (a) 20% per annum and (b) the maximum rate of interest permitted by applicable law.

"*Owner*" means the registered owner of the Bond.

"*Paying Agent*" means the Chief Financial Officer of the City, or her designee, or any successor appointed pursuant to Section 2.05.

"*Prepayment Date*" means the date on which the Bond or any portion thereof has been called for prepayment or is to be prepaid pursuant to this Appendix A.

"*Prime Rate*" means on any day, the rate of interest in effect for such day as publicly announced from time to time by the Purchaser as its "prime rate." The "prime rate" is a rate set by the Purchaser based on various factors including the Purchaser's costs and desired return, general economic conditions and other factors, and is used as a reference point for pricing some loans, which may be priced at, above,

or below such announced rate. Any change in such rate announced by the Purchaser shall take effect at the opening of business on the day specified in the public announcement of such change.

"*Principal Amount*" means the sum of all Advances less any prepayment of the Bond. Advances and prepayments shall be recorded (which records may be electronic) on the Table of Advances and Table of Partial Prepayments attached to the Bond, however failure to record an Advance or prepayment shall not affect the Principal Amount outstanding under the Bond.

"*Projects*" means the transportation projects and parks and recreation projects financed with the proceeds of the Bond in accordance with the authority provided under the respective Bond Orders.

"*Purchase Agreement*" means the Bond Purchase and Advance Agreement to be dated on or about June 10, 2020 among the City, the Purchaser and the Commission.

"*Purchaser*" means Bank of America, N.A., as the initial Owner of the Bond, and its successors and assigns.

"*Stated Principal Amount*" means $25,000,000.

"*Taxable Period*" means the period beginning on the date interest on the Bond first becomes subject to inclusion in gross income as a result of a Determination of Taxability, and ends on the date (if any) such interest is no longer included in gross income.

"*Taxable Rate*" means a per annum rate of interest equal to the product of the Interest Rate multiplied by the Taxable Rate Factor.

"*Taxable Rate Factor*" means 1.27.

"*Term Loan Period*" means the period, if any, commencing on June 1, 2023 and ending on the earlier of the Maturity Date or the date the Bond has been prepaid in whole prior to maturity.

"*Term Loan Interest Rate*" means the greater of (i) the Prime Rate plus 1.00%, (ii) the Fed Funds Rate plus 2.00% and (iii) 7.0%; provided that the Term Loan Interest Rate shall not exceed the Maximum Rate.

ARTICLE II.

AUTHORIZATION, FORM, ISSUANCE, DELIVERY AND REGISTRATION OF BOND

Section 2.01. ***Authorization of the Bond***

. There is hereby authorized the issuance of a general obligation bond, designated *"City of Asheville, North Carolina General Obligation Bond, Series 2020."* The Bond is being issued to provide funds to pay the costs of the Projects and costs of issuing the Bond, under and in accordance with the Bond Orders. No Bond may be issued under the provisions of the Bond Resolution, including this Appendix A, except in accordance with this Article. The total principal amount of the Bond that may be issued and Outstanding is hereby expressly limited to the Stated Principal Amount.

Section 2.02. ***Issuance of the Bond***

. The Bond will be issuable as fully registered bond in the Stated Principal Amount. The Bond will be numbered R-1 and will be substantially in the form set forth in Exhibit A with such appropriate variations, omissions and insertions as are permitted or required by this Appendix A. The execution and delivery of the Bond by the City under the Bond Resolution is conclusive evidence of the approval of the form of the Bond by the City Council, including any insertions, omissions, variations, notations, legends or endorsements authorized by the Bond Resolution. The Bond may be executed with the use of facsimile signatures and seals, if any, but at least one manual signature (which may be the signature of the representative of the Commission to the Commission's certificate) must appear on the Bond.

Section 2.03. ***Details of the Bond; Payment***

(a) The Bond will mature, subject to prepayment as set forth herein, on the Maturity Date and will bear interest at the Interest Rate (computed on the basis of the Day Count). Interest payable on the Bond shall be determined based on the Principal Amount of the Bond. The amount of interest payable on each Interest Payment Date shall be calculated by the Purchaser. The Purchaser, or subsequent Owner of the Bond, will give written notice to the Paying Agent on or before each Interest Payment Date of the amount of interest payable on the Bond on such Interest Payment Date. Interest on the Bond will be payable in arrears. The Paying Agent may completely rely on Purchaser for interest rate calculations on the Bond.

If a Determination of Taxability occurs with respect to the Bond, to the extent the interest borne by such Bond becomes subject to inclusion in gross income, then the principal amount outstanding of such Bond will bear interest during the Taxable Period at the Taxable Rate, such rate not to exceed the Maximum Rate. In such an event, the City shall also be responsible for payment of any interest, penalties or charges owed by the Purchaser as a result of interest becoming includable in the gross income of the Purchaser, together with any and all reasonable attorneys' fees, court costs or other out-of-pocket costs incurred by the Purchaser in connection therewith.

Notwithstanding the foregoing provisions of this section, on the occurrence and continuation of an Event of Default under the Purchase Agreement with respect to the Bond, from and after the effective date of such Event of Default, the interest rate on the Bond will be established at all times equal to the Default Rate, such rate not to exceed the Maximum Rate.

(b) The faith and credit of the City is pledged for the payment of the Bond.

The Bond shall be registered as to principal and interest, and the Paying Agent, on behalf of the City, is directed to maintain the registration records with respect thereto. Principal of and interest on the Bond shall be payable to the registered owner appearing on the registration records by wire transfer or by check, mailed to such registered owner at its address or in accordance with the wire instructions, as applicable, as it appears on such registration books and shall be received by the registered owner on the date such payment is due.

. Actions taken by officials of the City to select paying and transfer agents, and a bond

registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

(c) Both the principal of and the interest on the Bond are payable in any lawful coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts. The Bond shall bear interest from its date until the Principal Amount has been paid, but if the Bond has matured or has been called for prepayment and the Prepayment Date has occurred and funds are available for the payment thereof in full in accordance with the terms of the Bond Resolution, such Bond shall then cease to bear interest as of the maturity date or Prepayment Date, as applicable. The Bond will be dated as of its date of issuance, except that a Bond issued in exchange for or on the registration of transfer of the Bond will be dated as of the Interest Payment Date next preceding the date of authentication thereof, unless (1) the date of such authentication precedes the first Interest Payment Date, in which case it will be dated as of the date of the initial issuance of the Bond or (2) the date of such authentication is an Interest Payment Date to which interest on the Bond has been paid in full or duly provided for in accordance with the terms of this Appendix A, in which case it will be dated as of such Interest Payment Date; except that if interest on the Bond is in default, the Bond executed and delivered in exchange for or on registration of transfer of the Bond will be dated as of the date to which interest on the Bond has been paid in full. If no interest has been paid on the Bond, the Bond executed and delivered in exchange for or on the registration of transfer of the Bond will be dated as of the initial issuance of the Bond.

Section 2.04. ***Restriction on Transfer of the Bond***

. The Bond is non-transferable, except to a bank, insurance company or similar financial institution or any other entity approved by the Commission. The Owner will give written notice to the City and the Paying Agent if any transfer of the ownership of the Bond occurs and the Paying Agent will record such new Owner on the registration books for the Bond. The City or the Paying Agent will have no obligation to pay any amounts due on the Bond to anyone other than the Owner of the Bond as shown on the registration books kept by the Paying Agent, on behalf of the City. The Paying Agent is not required to record a transfer of the ownership of the Bond unless it receives an opinion of counsel as to the qualification for transfer under Section 2.04.

Section 2.05. ***Paying Agent***

. The Chief Financial Officer of the City is hereby appointed as the initial Paying Agent for the Bond. The Chief Financial Officer of the City may appoint a successor Paying Agent at any time. The Paying Agent shall keep the books of the City for payment of the Bond as provided in this Appendix A. Such books shall be available at all reasonable times for inspection by the City. Certain provision of this Appendix A and the Bond will only be applicable to the extent a successor Paying Agent is appointed and the Paying Agent is not the Chief Financial Officer of the City, as the context may require.

The City will transfer the amount necessary, or otherwise cause such amount to be available, to the Paying Agent, if applicable, on or before the date required to pay principal of, premium, if any, and interest on the Bond and the Paying Agent will transfer to the Owner the payment of principal of, premium, if any, and interest on the Bond when due. The Paying Agent shall treat the Purchaser as the Owner of the Bond for all purposes under the Resolution and this Appendix A unless a transfer occurs in

accordance with Section 2.04. The Paying Agent will have no responsibility to make payment of principal of, premium, if any, and interest on, the Bond, other than to the Purchaser as the initial Owner of the Bond or any subsequent Owner of the Bond as shown on the registration books.

Any successor Paying Agent may at any time resign and be discharged of the duties and obligations created by this Appendix A by giving at least 60 days' written notice to the City. The successor Paying Agent may be removed by the City at any time and be discharged of the duties and obligations created by this Appendix A by the Chief Financial Officer of the City giving at least 60 days' written notice to the Paying Agent. Any resignation or removal of the successor Paying Agent shall take effect on the day another successor Paying Agent has been appointed by the City and has accepted such appointment. If no successor Paying Agent is appointed within 60 days after a notice of resignation, the resigning party may appoint a successor or petition any court of competent jurisdiction to appoint a successor.

The City agrees to indemnify a successor Paying Agent, to the extent permitted by law, against any liability which it may incur while acting in good faith in its capacity as Paying Agent except for its own negligence or willful misconduct, such indemnification including, but not limited to, any court costs and reasonable attorneys' fees. Any costs, fees or other expenses of a successor Paying Agent in the discharge of its duties under this Appendix A will be paid by the City.

ARTICLE III.

PREPAYMENT OF THE BOND

Section 3.01. ***Optional Prepayment of the Bond***

. The City may prepay the Bond, either in whole or in part, on any Business Day at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date.

Section 3.02. ***Mandatory Prepayment of the Bond***

. The City shall prepay the Bond in whole on the Full Funding Date at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date. If the City has provided to the Owner on a date that is not less than five (5) Business Days and not more than ten (10) Business Days prior to the Full Funding Date a certificate stating (A) no Event of Default, or any event which with the giving of notice or the passage of time or both would constitute an Event of Default shall have occurred and be continuing and (B) the representations and warranties set forth in the Purchase Agreement are true and correct on the Full Funding Date as if made on such date, then the City is eligible for the Amortization Period and shall instead pay to the Owner the outstanding Principal Amount of the Bond as of such date (the "*Amortization Amount*") in annual installments payable in semi-annual increments on the six-month anniversary of the Full Funding Date and semi-annually thereafter so that the Amortization Amount is repaid in approximately six (6) equal semi-annual principal payments by the end of the Amortization Period. Any Principal Amount remaining unpaid on the Maturity Date shall be due and payable on the Maturity Date. The Bond will bear interest during the Term Loan Period at the Term Loan Interest Rate.

Section 3.03. ***Notice of Prepayment***

. The City will provide written notice of the optional prepayment of the Bond not less than 35 days (or such lesser number of days as the Owner may accept), (1) to the Commission and the Paying Agent, if applicable, by Mail or electronic transmission, and (2) by Mail (or by such other means as may be permitted by the Owner) to the then-registered Owner of the Bond at the last address shown on the registration books kept by the City.

Failure to provide such notice to the Commission and the Paying Agent will not affect the validity of any proceedings for such prepayment.

Section 3.04. ***Record of Prepayment***

. The Owner will record any prepayments of the Bond on the Table of Partial Prepayments attached to the Bond (or otherwise kept on the Owner's official books and records, which may be electronic records). The Paying Agent may completely rely on the City and the Owner for any prepayments and notations thereof.

ARTICLE IV.

ADVANCES

Section 4.01. ***Advance of Bond Proceeds***

. The City acknowledges and agrees that prior to the earliest to occur of (a) the date when the sum of the aggregate Advances made hereunder equals the Stated Principal Amount, (b) the date on which the Purchaser's obligation to make Advances under the Purchase Agreement terminates (as reflected in a written notice delivered by the Purchaser to the City) or (c) the Full Funding Date (the "*Advance Termination Date*"), the proceeds of the Bond will be disbursed in installments through the making of Advances by the Purchaser in accordance with the Purchase Agreement. The Chief Financial Officer, or her designee, will indicate as part of each Advance the amount to be applied against each Bond Order. The date and amount of each Advance shall be noted on the Table of Advances attached to the Bond (or otherwise kept on the Purchaser's official books and records, which may be electronic records); *provided* that the failure to record any such Advance on the Table of Advances shall not affect the Principal Amount due. In no event may the total amount of all Advances exceed the Stated Principal Amount. Following the Advance Termination Date, no additional Advances may be made. On the Advance Termination Date, the positive difference, if any, between the Stated Principal Amount and the aggregate principal amount of all Advances made under the Purchase Agreement shall be deemed to have been prepaid automatically and without any further notice or act by the City or any other Person. Any such automatic prepayment of principal shall not be taken into consideration in determining the Principal Amount of the Bond and shall not be recorded on the Table of Partial Prepayment attached to the Bond. The City will give written notice to the Paying Agent, if applicable, of each Advance. The Paying Agent may completely rely on the City and the Purchaser for dates and amounts of Advances.

Section 4.02. ***Application of Bond Proceeds***

. The Chief Financial Officer, or her designee, is hereby directed to create and establish a special fund into which the proceeds from the sale of the Bond will be deposited (the *"Project Fund"*). The

proceeds from each Advance will be deposited by the Purchaser with the City, and the City shall deposit such amounts in the Project Fund. The Chief Financial Officer or her designee, will invest and reinvest any moneys held in the Project Fund as permitted by the laws of the State of North Carolina and the income, to the extent permitted by the Code, is to be retained in the Project Fund and applied with the proceeds of the Bond to pay the costs of the Projects. The Chief Financial Officer will ensure that the proceeds of an Advance (or portion thereof) relating to the Bond Order authorizing the City to issue general obligation bonds to finance certain transportation projects (and any earnings thereon) will be spent only on such transportation projects and that the proceeds of an Advance (or portion thereof) relating to the Bond Order authorizing the City to issue general obligation bonds to finance certain parks and recreation projects will be spent only on such parks and recreation projects. The Paying Agent, on behalf of the City, shall keep and maintain adequate records pertaining to the Project Fund and all disbursements therefrom so as to satisfy the requirements of the laws of the State of North Carolina and to assure that the City expends the proceeds of the Advances in accordance with the Bond Orders and maintains its covenants with respect to the exclusion of the interest on the Bond from gross income for purposes of federal income taxation. The proceeds of the Bond in the Project Fund, including the investment earnings thereon, if any, will be applied to the payment of costs of the Projects.

ARTICLE V.

AMENDMENTS

Section 5.01. ***Amendments to Bond Resolution***

. After the issuance of the Bond, portions of the Bond Resolution, including this Appendix A, may be amended or supplemented, from time to time, without the consent of the Owner of the Bond if, in the opinion of nationally recognized bond counsel, such amendment or supplement would not adversely affect the interests of the Owner of the Bond and would not cause the interest on the Bond to be included in the gross income of a recipient thereof for federal income tax purposes; provided, however, if the Purchaser is the sole Owner of the Bond, any amendment to the Bond Resolution, including this Appendix A, requires the prior written consent of the Purchaser. All other amendments or supplements to this Resolution require the consent of the Owner of the Bond, including any amendment or supplement that would reduce the principal amount of the Bond, reduce the interest rate payable on it, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable.

Any act done pursuant to a modification or amendment consented to by the Owner of the Bond is binding on all Owners of the Bond and will not be deemed an infringement of any of the provisions of the Bond Resolution, whatever the character of the act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of the Bond Resolution, and after consent has been given, no Owner of the Bond has any right or interest to object to the action, to question its propriety or to enjoin or restrain the City from taking any action pursuant to a modification or amendment. If a successor Paying Agent has been appointed, the Bond Resolution, including Appendix A, may not be amended to expand the duties of Paying Agent or that are otherwise adverse to the Paying Agent without the prior written consent of the Paying Agent.

ARTICLE VI.

MISCELLANEOUS PROVISIONS

Section 6.01. ***Headings***

. Any heading preceding the text of the several articles hereof, and any table of contents or marginal notes appended to copies hereof, are solely for convenience of reference and does not constitute a part of this Appendix A or affect its meaning, construction or effect.

Section 6.02. ***Holidays***

. Except as otherwise provided herein, whenever any payment or action to be made or taken hereunder is stated to be due on a day which is not a Business Day, such payment or action will be made or taken on the next following Business Day, and such extension of time will be included in computing interest, if any, in connection with such payment or action.

Section 6.03. ***Report to the Commission***

. The City agrees to provide the Commission staff with notification of each Advance from the bond authorization under the Bond Orders and submit to Commission staff written confirmation within four Business Days of a Request for Advance pursuant to the Purchase Agreement. The City may provide such notification by submitting a copy of the Request for Advance to the Commission staff. As of June 30 of each year the City will provide to the Commission a report showing the outstanding Principal Amount of the Bond. On request, the City will send a report to the Commission demonstrating anticipated cash flow requirements for the Projects that the City anticipates financing with proceeds of the Bond during the next fiscal year.

Section 6.04. ***No Recourse Against Members, Officers or Employees of the City or the Commission***

. No recourse under, or on, any statement, obligation, covenant, or agreement contained in the Bond Resolution, in any Bond, or in any document or certification relating to the Bond, or under any judgment obtained against the City or the Commission or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise or under any circumstances, is to be had against any member, officer or employee, as such, of the City or the Commission, either directly or through the City, the Commission, or otherwise, for the payment for or to the City or the Commission or any receiver of the City or the Commission, or for, or to, any Owner or otherwise, of any sum that may be due and unpaid on any such Bond. Any and all personal liability of every nature, whether at common law or in equity or by statute or by constitution or otherwise, of any such member, officer or employee, as such, to respond by reason of any act or omission on his or her part or otherwise, for the payment for, or to, the City or the Commission or any receiver of the City or the Commission, or for, any Owner or otherwise, of any sum that may remain due and unpaid on the Bond hereby secured or any of them, is hereby expressly waived and released as an express condition of, and in consideration for, the adoption of the Bond Resolution and the issuance of the Bond.

Section 6.05. ***Governing Law***

. The Bond Resolution, including this Appendix A, is governed by and to be construed in accordance with the laws of the State of North Carolina.

[End of Appendix A]

EXHIBIT A

FORM OF BOND

NO OFFERING CIRCULAR OR MEMORANDUM, OFFICIAL STATEMENT OR OTHER DISCLOSURE DOCUMENT HAS BEEN PREPARED OR PROVIDED BY THE CITY IN CONNECTION WITH THE OFFERING AND SALE OF THIS BOND. THIS BOND, EXCEPT FOR PERMITTED TRANSFERS AS SET FORTH HEREIN, IS NON-TRANSFERABLE

CITY OF ASHEVILLE, NORTH CAROLINA
GENERAL OBLIGATION BOND, SERIES 2020

No. R-1 **$25,000,000**

INTEREST RATE	DATED DATE	MATURITY DATE
Variable	**June 10, 2020**	**June 1, 2026**

REGISTERED OWNER: BANK OF AMERICA, N.A.

STATED PRINCIPAL AMOUNT: TWENTY FIVE MILLION DOLLARS

The City of Asheville, North Carolina (the "*City*"), a municipal corporation of the State of North Carolina (the "*State*"), for value received, promises to pay, but solely from the sources and in the manner hereinafter provided, to the Owner named above the Stated Principal Amount set forth above or the Principal Amount (as hereinafter defined), whichever is less, on the Maturity Date set forth above (or earlier as hereinafter described). This Bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and under The Local Government Finance Act (the "*Act*"), and the following bond orders: the Bond Order authorizing the City to issue general obligation bonds to finance certain transportation projects and the Bond Order authorizing the City to issue general obligation bonds to finance certain parks and recreation projects, each adopted by the City Council on August 9, 2016 and approved by a majority of voters at a referendum held on November 8, 2016. This Bond is being issued to provide funds to pay the capital costs of the projects authorized under the above-described Bond Orders. The Bond is issued under a Resolution (as amended or supplemented from time to time, the "*Bond Resolution*"), adopted on May 26, 2020, by the City Council of the City. Reference is hereby made to the Bond Resolution for the rights, duties and obligations of the City and the rights of the Owner of the Bond, and, by the acceptance of this Bond, the Owner hereof assents to all of the provisions of the Bond Resolution. Capitalized terms used herein and not defined have the meaning ascribed to them in the Bond Resolution.

The City further promises to pay such Owner at the address as it appears on the registration books kept by the Paying Agent, which is initially the Chief Financial Officer of the City and subsequently any successor appointed in accordance with the Bond Resolution, interest at the Interest Rate described in the Bond Resolution and the Purchase Agreement on the lesser of (1) the Stated Principal Amount or (2) the sum of the Advances made by the Purchaser pursuant to the Bond Resolution and the Purchase Agreement (less any amount of the Bond prepaid) and as reflected in the "Table of Advances" attached hereto or kept in the Owner's records (which may be electronic records) (the "*Principal Amount*"). Interest on this Bond will be payable on the first Business Day of each month (each an "*Interest Payment*

Date") from the Interest Payment Date next preceding the date of authentication (unless (1) the date of such authentication precedes the first Interest Payment Date, in which case interest with respect thereto shall be payable from the date of issuance of this Bond or (2) the date of such authentication is an Interest Payment Date to which interest on this Bond has been paid in full or duly provided for in accordance with the terms of the Bond Resolution, in which case interest with respect thereto shall be payable from such Interest Payment Date) until the Principal Amount shall have been paid or provided for in accordance with the Bond Resolution.

The City may prepay this Bond, either in whole or in part, on any Business Day at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date.

The City shall prepay this Bond in whole on the Full Funding Date at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date. However, if the City has provided to the Owner on a date that is not less than five (5) Business Days and not more than ten (10) Business Days prior to the Full Funding Date a certificate stating (A) no Event of Default, or any event which with the giving of notice or the passage of time or both would constitute an Event of Default shall have occurred and be continuing and (B) the representations and warranties set forth in the Purchase Agreement are true and correct on the Full Funding Date as if made on such date, then the City is eligible for the Amortization Period and shall instead pay to the Owner the outstanding Principal Amount of the Bond as of such date (the "*Amortization Amount*") in annual installments payable in increments on the six-month anniversary of the Full Funding Date and semi-annually thereafter so that the Amortization Amount is repaid in approximately six (6) equal semi-annual principal payments by the end of the Amortization Period. Any Principal Amount remaining unpaid on the Maturity Date shall be due and payable on the Maturity Date. The Bond will bear interest during the Term Loan Period at the Term Loan Interest Rate.

The City will provide written notice of the optional prepayment of this Bond not less than 35 days (or such lesser number of days as the Owner may accept), (1) to the Commission and the Paying Agent, if applicable, by Mail or electronic transmission, and (2) by Mail (or by such other means as may be permitted by the Owner) to the then-registered Owner of this Bond at the last address shown on the registration books kept by the City.

Failure to provide such notice to the Commission and the Paying Agent will not affect the validity of any proceedings for such prepayment.

The Owner will record any prepayments of this Bond on the Table of Partial Prepayment attached to this Bond (or otherwise kept on the Owner's official books and records, which may be electronic).

This Bond is non-transferable, except to a bank, insurance company or similar financial institution or any other entity approved by the Commission. The City or the Paying Agent will have no obligation to pay any amounts due on this Bond to anyone other than the Owner of this Bond as shown on the registration books kept by the Paying Agent.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, and that the amount of this Bond, together with

all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes.

The faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond is not valid or obligatory for any purpose until the certification hereon has been signed by an authorized representative of the Local Government Commission.

IN WITNESS WHEREOF, the City of Asheville, North Carolina has caused this Bond to be executed with the manual or facsimile signatures of the Mayor and the City Clerk.

CITY OF ASHEVILLE, NORTH CAROLINA

By: _____
Mayor

[Seal]

By: _____
City Clerk

The issue hereof has been approved under the provisions of The Local Government Bond Act.

_____
GREG C. GASKINS
Secretary of the Local Government Commission

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(Please print or typewrite Name and Address,
including Zip Code, and Federal Taxpayer Identification or
Social Security Number of Assignee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

Attorney to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

Signature guaranteed by:

NOTICE: Signature must be guaranteed by a participant of the Securities Transfer Agent Medallion Program ("*STAMP*") or similar program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration, enlargement or any change whatever.

TRANSFER FEE MY BE REQUIRED

TABLE OF ADVANCES

Upon the making of any Advance described in Section 4.01 of the Bond Resolution, the Owner shall make the appropriate notation on the table below (or otherwise keep on the Owner's official books and records, which may be electronic):

Date	Amount of Advance	Total Principal Amount (following an Advance)	Signature of Representative of Owner

TABLE OF PARTIAL PREPAYMENTS

Date	Amount Prepaid	Remaining Unpaid Principal Amount	Signature of Representative of Owner

RESOLUTION NO. 20-91

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING PARKING GARAGE CALL CENTER CONTRACT BETWEEN THE CITY OF ASHEVILLE AND PARKER TECHNOLOGY, INC.

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville contracted with Parker Technology in the amount of $78,664.25 in February 2017 to provide call center services to the City of Asheville for the purpose of providing garage customers with a video-based assistance service at parking garage exits

WHEREAS, the City of Asheville has exceeded the original estimates regarding the number of call for assistance buttons to be placed in each parking garage and the hours of operation and monitoring for each button;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute an amendment to the existing Parking Garage Call Center Contract between the City of Asheville and Parker Technology, Inc., increasing the total value of the contract to $91,000, and to extend the contract until May 31, 2020.

Read, approved and adopted this the 26th day of May, 2020.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-92

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LOOMIS ARMORED US, LLC

WHEREAS, the City is required to deposit cash funds in excess of $500 with a financial institution on a daily basis pursuant to N.C.G.S 159-32; and

WHEREAS, the City wishes to minimize the risk to employees who would have otherwise delivered the cash funds to a financial institution; and

WHEREAS, Loomis Armored US, LLC has submitted a contract proposal for armored vehicle cash pickup and delivery services as well as State Statute compliant "smart safes" for fiscal years 2021-2025; and

WHEREAS, the City Council desires that the City's armored vehicle pickup and delivery services and smart safe contract be awarded to the firm Loomis Armored US, LLC; and

WHEREAS, funds are included in the each of the five department's respective budgets which will utilize these services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a contract with Loomis Armored US, LLC in the amount not to exceed $160,000 for armored vehicle cash pickup and delivery and smart safe services for fiscal years 2021-2025.

Read, approved, and adopted this 26th day of May, 2020.

Magdalen Pauleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Pauleson
City Clerk

RESOLUTION NO. 20-93

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAMS OF THE U. S. DEPARTMENT OF JUSTICE FOR THE 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM (CESF) GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.S.G. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, The City of Asheville received an opportunity to apply for a United States Department of Justice (DOJ), 2020 CESF Grant; and

WHEREAS, the DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a grant of $153,278; and

WHEREAS, the APD will use the funds to prevent, prepare for, and respond to the coronavirus pandemic;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply, and if awarded, accept and enter into an agreement with the DOJ for the 2020 CESF Grant in the amount of $153,278.

Read, approved and adopted this the 26th day of May, 2020.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-94

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2020 GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the Federal Government, and to enter into contracts for the administration of said grants; and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has preliminarily determined that the City of Asheville is eligible to receive a grant of $285,416.00 to act as fiduciary for the Asheville High Intensity Drug Trafficking Areas (HIDTA) program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the Executive Office of the President, Office of National Drug Control Policy, for a grant in the amount of $285,416, to act as fiduciary for the Asheville HIDTA.

Read, approved and adopted this the 26th day of May, 2020.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 20-95

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH YOUNG TRANSPORTATION TO PROVIDE SUPPLEMENTAL TRANSIT OPERATIONS SUPPORT FOR THE CITY OF ASHEVILLE IN AN EFFORT TO RESTORE PORTIONS OF FIXED-ROUTE TRANSIT SERVICES THAT HAVE BEEN REDUCED DUE TO COVID-19 IMPACTS TO SERVICE CAPACITY

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville issued a competitive request for proposals for the purpose of providing supplemental transit operations services in an effort to restore portions of fixed-route transit services that have been reduced due to COVID-19;

WHEREAS, the CIty of Asheville received two proposals, scoring the proposals using criteria, including overall cost, approach to providing supplemental services, and experience providing transportation and/or transit services;

WHEREAS, the City of Asheville has selected Young Transportation to provide daily supplemental transit operations services for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute a contract with Young Transportation in an amount not to exceed $962,000 to provide supplemental transit operations support for the City of Asheville in an effort to restore portions of fixed-route transit services that have been reduced due to COVID-19 impacts to service capacity.

Read, approved and adopted this the 26th day of May, 2020.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-96

RESOLUTION APPROVING THE HOUSING TRUST FUND LOAN AWARD REQUESTED BY BEAUCATCHER VISTA LLC TO ALLOW THEM TO DEVELOP RENTAL AFFORDABLE HOMES AT 2 RESTAURANT COURT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, on September 2, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, Beaucatcher Vista LLC (developer) has requested a $1,000,000 Housing Trust Fund (HTF) loan for the development of forty (40) rental homes, which are to be made available for rent to individuals and families at or below 80% of Area Median Income (AMI), with 30 units set aside for individuals and families at or below 60% AMI; and

WHEREAS, the HTF loan is to be structured as a fund to remain available to be drawn upon as needed during construction of the 40 units; and

WHEREAS, the HTF loan shall accrue interest at 2%, with monthly payments to include principal and interest over the 20 year loan period to begin at Certificate of Occupancy; and

WHEREAS, the developer has agreed to accept rental assistance such as housing choice vouchers for the 30 units rented to individuals and families at or below 60% AMI; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A Housing Trust Fund loan in the amount of $1,000,000, amortizing at 2.0% interest for a term of twenty (20) years to Beaucatcher Vista LLC for the development of forty (40) affordable rental homes located at 2 Restaurant Court within the limits of the City of Asheville, to be made immediately available following loan closing. The forty (40) rental homes are to be restricted to individuals and households earning 80% or less of the Area Median Income (AMI), with thirty (30) units set aside for individuals and families, with or without rental assistance, earning at or below 60% or less of AMI . Funds are to begin to be repaid upon the Certificate of Occupancy (CO) of the community, principal plus interest, over a 20 year term. All units shall have a twenty (20) year affordability period, enforced by a deed covenant in a form acceptable to the City Attorney; and the City Manager is hereby authorized to negotiate and execute any and all documents necessary to give effect to this approval.

Read, approved and adopted this 26th day of May, 2020.

Magdalen Bullock
City Clerk

Esther G Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

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RESOLUTION NO. 20-97

RESOLUTION ACCEPTING THE FLOOD MITIGATION ACTIONS REPORT WHICH IS PART OF THE REPETITIVE LOSS AREA ANALYSIS, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT FOR THE COMMUNITY RATING SYSTEM PROGRAM

WHEREAS, Buncombe County has performed a comprehensive review and evaluation of each section of the previously approved Buncombe Madison County All-Hazard Mitigation Plan and has updated the said plan as required and according to guidance issued by FEMA and the North Carolina Division of Emergency Management, and

WHEREAS, the participation in the Community Rating System program, which Asheville is currently a member requires the City to provide a Repetitive Loss Area Analysis and to report on those Flood Mitigation Action Items on an annual basis, and

WHEREAS, the City wishes to continue to promote public safety and welfare through the continued participation in the Community Rating System Program, and

WHEREAS, City Staff has provided Council with the annual Flood Mitigation Action Items report as it relates to the Repetitive Loss Area Analysis;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville does hereby receive and accept the Flood Mitigation Actions Report prepared by City Staff for the annual Repetitive Loss Area Analysis Flood Mitigation Action Items, attached hereto as Exhibit A, and authorizes its submission to the Insurance Services Office and the Federal Emergency Management Agency as part of the annual Community Rating System report which is to be signed by the City Manager.

Read, approved and adopted this the 9th day of June, 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

Exhibit A
FLOOD MITIGATION ACTIONS
REPORT TO COUNCIL 2020

As an ongoing method to reduce flood hazards, increase resilience, and protect natural functions of floodplains, in 2014, the City was accepted into the Community Rating System Program. This is a national voluntary incentive program that recognizes community floodplain management activities that make communities safer and lower flood risk. As a result of these activities, we see increased community resilience, and our citizens with insured properties in the floodplain will receive a 10% discount in flood insurance, based on our classification, of CRS Class 8.

In June 2019, the Insurance Services Office, Inc, conducted a verification visit, which are typically conducted every five years to review the City's compliance with program elements for which we've received points over the past 5 years, and update our program compliance to the elements starting May 1, 2020 we will be responsible for until our next Verification visit. Based on this analysis of our program compliance and the 2014 Repetitive Loss Area Analysis (RLAA) there are mitigation action items identified for the City to focus on both long term and annually.

Long-term (multi-year) program elements:

1. Buncombe Madison Regional Hazard Mitigation Plan:
   a. Currently Fire Department, Development Services, and Public Works staff are participating in the Buncombe Madison Regional Hazard Mitigation Plan update, as sponsored by the NC Department of Emergency Management. Updated plan shall be forthcoming in 2021.
2. Flood Warning System: The City will consider the feasibility of a flood warning system in one or more of the Repetitive Loss Areas to assist in advance notice to property owners of an impending flood. (RLAA, 2014)
   a. The Public Works Department, Development Services Department and the Asheville Fire Department is utilizing the FIMAN website to assist in advance warnings for flooding. The City team utilizes the projections and can send out key messages to property owners and residents within the City as necessary.
   b. The City utilized social media and other communication outlets (AVL Alert) to update citizens on the status of road closures, latest forecast, and passed along key information from the North Carolina Emergency Management Department. DSD maintains a list of direct contacts for flood prone property owners, and properties with flood action plans, to send out direct email alerts.
   c. The Fire Department and DSD Site Development & Floodplain Administration are working together to potentially develop a Flood Warning and Response plan that will coordinate the warning system efforts in hope to streamline and improve utilization of existing systems and protocols already in place, such as AVL Alert.
3. Flood Mitigation Projects:
   a. The City's Public Works Department, partnering with the US Army Corps of Engineers and the NC Division of Water Resources, is continuing the flood mitigation project within the Swannanoa River basin. The feasibility report is complete, City Staff have entered into a Project Partnership Agreement (PPA) with the Corps for design and construction of the recommended project from the Feasibility Study. The project that is recommended from the feasibility report is the removal of the floodplain fill both upstream and downstream of the Biltmore Avenue Bridge within the Biltmore Village area of the City.

b. The Public Works Stormwater team also completed construction on the Morris Street Stormwater Improvement project. This included adding new stormwater conveyance to alleviate roadway overtopping causing localized flooding and also expanding stormwater quality and quantity devices located within West Asheville Park.
c. The Lake Craig Fill Removal Project provided engineering services necessary to design and obtain environmental permits for the removal of the sedimentation that has occurred following the flooding events along the Swannanoa River. The original Lake Craig/Azalea Road Project included removal of floodplain fill to maximize flood storage above the Gashes Creek Roadway/Lake Craig Dam. The flood events following the construction completion of the original project have deposited material in this area which was in need of removal. Construction was completed on removal of the deposited material November 13, 2019, and is awaiting final approval from the state inorder to close out permits.
d. The Stormwater team is currently in the design phase of a project located in the Edwin/Celia/Canterbury area of the city. This area has been experiencing localized flooding which has overtopped Edwin Place periodically over the past several years. City staff has had multiple public meetings to discuss the details of this project. This project is currently in final design and will result in a multi-phased, multi-year project for construction.

Annual Action Items:

1. Public Outreach and Education: The City will continue its flood hazard mitigation public outreach efforts by communicating with property owners in flood prone areas to make certain they understand the risks associated with flooding, and encourage owners to consider flood protection measures outlined in this analysis and related publications.
   a. Flood Informational Website - the City maintains an extensive flood related information available on the City's Public Works Department's Stormwater Division's website - Flood Information This website has links to interactive tools to research properties within the special flood hazard area along with the Biltmore Village Emergency Response Plan which was developed in partnership with the US Army Corps of Engineers. Located on the website is information related to what to do before floods, during a flood and after flooding. The website also includes information on flood maps, searchable repository of Elevation Certificates, and other community outreach information.
   b. Community Outreach:
      i. Information outreach pamphlets are located in public areas, throughout the city, including Public Works Building, City Hall, Azalea Park, Carrier Park, Recreational Centers, and some local libraries. These are also provided to the public at relative community engagement events and school outreach programing.
      ii. Informational letters providing City floodplain administration contact, flood insurance, services provided by the floodplain administration staff, are sent to local banks, lenders and insurance agencies for their agents and to provide to their customers.
      iii. City Staff is available to meet with citizens who have flooding questions. Staff will continue to be proactive with providing the customer services citizens deserve.
      iv. Social media and digital engagement - various flood preparation, hazard, and management information is shared through our social media outlets and public engagement outlets. We work with CAPE and Fire Department public outreach to guide the release of this information as there are two (2) types of information that

are released through this outlet:

1. General program information and operational changes that impact the floodplain. This outlet provides general information of the CRS program, AVL Alert, how to prepare for a flood, and what to do if it floods. This year, in addition, we released a survey for the Regional Hazard Mitigation Planning.
2. Incident outreach which provides information in real time, with flood warnings, road closures, and other related emergency information, specific to that event. Depending on the event may follow with additional information on flood damage recovery. (*See Flood Warning Section*)

c. Stakeholder Outreach:
   i. Repetitive Loss Area informational letters are sent to each property owner located within the defined areas with information related to flood protection and actions the property owners could take to help minimize damage from flooding.
   ii. City staff provide on site flood assessment guidance for citizens who have concerns about flooding on their property.
   iii. City staff often meets with property owners and developers who have questions about their property and how the flood zones impact current and future plans for the property.
   iv. As development takes place within the Repetitive Loss Area (RLA) and regulatory floodplain, the DSD staff work with property owners and engineers to inform them of the protection measures required for their development and guide them through the development process. City ordinances require the developer to take actions that are above minimum FEMA requirements to help provide additional protection from flood damage in flood prone areas.

2. **Enforcement -** The City will identify any structures within each of the RLAs that are not permitted for occupancy and proceed with standard enforcement actions to bring the structures into compliance or have them removed.
   a. The Development Services and Fire Departments continue to work to identify such properties and make notifications to these property owners. As these properties that are not permitted for occupancy arise, staff will take action to notify the property owners of the non-compliance issues and provide them with the necessary requirements to meet current standards. City staff is available to meet with citizens to discuss issues concerning these properties and discuss what options are available.

Moving forward:

Various city departments' work together to complete the flood mitigation actions tasks necessary for the Community Rating System (CRS); the team includes the Public Works Department, the Development Services Department, CAPE and the Asheville Fire Department. Staff is glad to assist the citizens of Asheville, who have flood insurance, to be able to receive a 10 percent reduction in the insurance premium as a result of the City participating in the CRS program.

The flood mitigation efforts are key to the sustainability and resilience of special flood hazard areas and the City looks for partnership opportunities in these locations as they become available. Staff looks forward to continuing the partnership with the US Army Corps of Engineers and the North Carolina Division of Water Resources on flood mitigation efforts.

The Development Services Stormwater team is looking at opportunities to improve the program and our rating. Specifically through working interdepartmentally to improve outreach to the community, flood warning response, and flood data.

RESOLUTION NO. 20-98

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE 718.2 SQUARE FEET OF PROPERTY ALONG FEDERAL ALLEY FROM THE STATE OF NORTH CAROLINA

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City desires to acquire, and the State of North Carolina has agreed to sell, 718.2 square feet of land located off of Federal Alley (PIN # 9648-37-2978-00000) at the appraised value of $49,225;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to execute documents and acquire from the State of North Carolina the real property located off of Federal Alley (PIN # 9648-37-2978-00000), upon the approval of the City Attorney. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 9th day of June, 2020.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-99

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM TRIBUTE INVESTMENT AND DEVELOPMENT INC. FOR THE ACQUISITION OF PROPERTY ADJACENT TO FEDERAL ALLEY

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property or personal property by gift, grant, bequest or any other lawful method; and

WHEREAS, at the request of the City, the State of North Carolina has agreed to sell 718.2 square feet of land located off of Federal Alley (PIN # 9648-37-2978-00000) to the City of Asheville at the appraised value of $49,225; and

WHEREAS, Tribute Investment and Development Inc. has agreed to donate $49,225 to reimburse the City for the cost of this property acquisition;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be and is hereby authorized to execute documents and accept a donation from Tribute Investment and Development Inc. in the amount of $49,225. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 9th day of June, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 20-100

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING SWANNANOA RIVER GREENWAY PHASE ONE: PRELIMINARY CORRIDOR DESIGN CONTRACT BETWEEN THE CITY OF ASHEVILLE AND EQUINOX ENVIRONMENTAL CONSULTATION AND DESIGN, INC.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville contracted with Equinox Environmental Consultation and Design, Inc. in the amount of $147,638.10 during August 2018 to provide preliminary design and feasibility services to the City of Asheville's Swannanoa River Greenway project; and

WHEREAS, final design and construction documents are needed for greenway construction to occur; and

WHEREAS, Equinox Environmental Consultation and Design, Inc. shall provide all labor, materials and equipment necessary to perform the design activities outlined in the approved documents for the Swannanoa River Greenway Phase Two: Design and Construction Documents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment to the existing greenway design contract between the City of Asheville and Equinox Environmental Consultation and Design, Inc., in the amount of $454,811.20 increasing the total value of the contract to $612,449.30 and to enter into change orders to this contract not to exceed an additional 10% of the current contract amount or $45,481.12.

Read, approved, and adopted this the 9th day of June 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION 20-101

RESOLUTION OF SUPPORT FOR THE CITY OF ASHEVILLE'S FEDERAL TRANSIT ADMINISTRATION PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

WHEREAS, the Federal Transit Administration (FTA) final rule 49 CFR Part 673 requires transit operators of public transportation systems to develop safety plans that include processes and procedure for implementing Safety Management Systems; and

WHEREAS, the Federal Transit Administration (FTA) final rule 49 CFR Part 673 requires transit operators to certify that they have established safety plans that meet requirements of the rule by December 31, 2020; and

WHEREAS, the Federal Transit Administration (FTA) final rule 49 CFR Part 673 requires transit operators to establish performance targets based on the safety performance measures in the FTA's National Public Transportation Safety Plan (NSP); and

WHEREAS, the Federal Transit Administration (FTA) final rule 49 CFR Part 673 requires transit operators to document processes of the agency's Safety Management Systems (SMS), including the agency's Safety Management Policy and processes for Safety Risk Management, Safety Assurance and Safety Promotion; and.

WHEREAS, the Federal Transit Administration (FTA) final rule 49 CFR Part 673 requires transit operators to address applicable requirements and standards set forth in FTA's Public Transportation Safety Program and National Safety Plan; and

WHEREAS, the Federal Transit Administration (FTA) final rule 49 CFR Part 673 requires transit operators to develop process and timeline for conducting an annual review and update of the safety plans; and

WHEREAS, the North Carolina Department of Transportation requested a resolution of support be included and submitted with the Federal Transit Administration PTASP.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

City Council adopt a resolution of support for the Federal Transit Administration Public Transportation Agency Safety Plan.

Read, approved, and adopted this 9th day of June 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-102

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY DIVISION OF EMERGENCY MANAGEMENT TO EXTEND THE REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAM - 6 AGREEMENT FOR SIX MONTHS

WHEREAS, the City of Asheville has authority pursuant to Chapter 166A of the North Carolina General Statutes to enter into agreements concerning hazardous materials emergency response with the State of North Carolina; and

WHEREAS, the City previously entered into a Regional Hazardous Materials Emergency Response Agreement (herein "Agreement") with the State of North Carolina that is set to expire on June 30, 2020; and

WHEREAS, the State of North Carolina has requested that Agreement be extended through October 31, 2020, with the expectation of entering into a longer term contract at the conclusion of the extension; and

WHEREAS, funds are available from the State of North Carolina through the Department of Public Safety Division of Emergency Management for provision of Regional Hazardous Materials Emergency and Response; and

WHEREAS, the State of North Carolina agrees to provide specialized equipment and materials for use by the City of Asheville; and

WHEREAS, the City of Asheville has the staff, expertise and commitment to provide regional hazardous materials emergency response services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to extend its contract with the State of North Carolina concerning Hazardous Materials Regional Response Team 6 through October 31, 2020.

Read, approved and adopted this the 9th day of June, 2020.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-103

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN AGREEMENT WITH ADVENT HEALTH TO PROVIDE FIREFIGHTER PHYSICALS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Asheville Fire Department provides annual medical monitoring, physicals, and x-rays for firefighters; and

WHEREAS, the FY19 agreement was extended six months from its original iteration of July 1, 2018 to June 30, 2019 to become the term of July 1, 2018 to December 31, 2019; and

WHEREAS, billing and invoice issues of services involved in firefighter physicals arose during the original term of the contract; and

WHEREAS, no funds were placed on the contract due to the billing and invoice issues when the term was extended; and

WHEREAS, the Asheville Fire Department and Advent Health did not want to suspend firefighter physicals for a duration of time it would take to work out the billing and invoice issues and add funds to the agreement; and

WHEREAS, the Asheville Fire Department in conjunction with Advent Health worked to fix those issues in the extended six months of agreement; and

WHEREAS, an additional six months of firefighter physicals were performed by Advent Health and all billing and invoice issues were resolved; and

WHEREAS, the amount of the amendment is $40,175 and the funds have been budgeted in the Asheville Fire Department's Fiscal Year 2019 - 2020 budget; and

WHEREAS, the total amount of the FY19 agreement over its life is currently $117,300;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a contract amendment to the FY19 Agreement with Advent Health which provides an additional $40,175, for a total contract value of $117,300, for Annual Firefighter Physicals conducted during that time.

Read, approved and adopted this the 9th day of June, 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-104

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR A GUARANTEED MAXIMUM PRICE WITH THE SELECTED CONSTRUCTION MANAGER AT RISK FIRM, J. BRADY CONTRACTING, INC, FOR THE HARRAH'S CHEROKEE CENTER ASHEVILLE FACILITY RENOVATION & HVAC MODERNIZATION CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1, statements of qualification were solicited for a construction manager-at-risk the project known as the Harrah's Cherokee Center Asheville Facility Renovation and HVAC Modernization, City of Asheville Project #C1701; and

WHEREAS, J. BRADY CONTRACTING, INC. was judged the best qualified firm for the project; and

WHEREAS, the contract generally consists of preconstruction services, and construction management services in order to renovate the Harrah's Cherokee Center Asheville press/meeting room, expand storage, and to modernize the HVAC systems in order to expand the type and frequency of events the venue can host; and

WHEREAS, the CMAR completed the preconstruction services and facility renovation, prequalified first tier subcontractors, and publicly bid the HVAC Modernization Phase of the project, and the City and CMAR negotiated for construction services; and

WHEREAS, the City entered into a contract in the amount of $67,000 for preconstruction services, amended said contract in the net amount of $3,986,276.88 for the facility renovation, and HVAC modernization phases, shall amend said contract an additional $166,360.77, for a total maximum price of $4,219,637.65 for services necessary to complete this project; and

WHEREAS, additional funding for the project has been identified within the existing HCCA Capital Improvement Program Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment to the construction manager-at-risk contract with, J. BRADY CONTRACTING INC. in the amount of $166,360.77, for a total maximum price of $4,219,637.65 for the Harrah's Cherokee Center Asheville Facility Renovation and HVAC Modernization.

Read, approved, and adopted this 9th day of June 2020.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 20-105

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING HARRAH'S CHEROKEE CENTER - ASHEVILLE GARAGE REPAIR PROJECT MANAGEMENT CONTRACT BETWEEN THE CITY OF ASHEVILLE AND WALTER P. MOORE & ASSOCIATES.

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville contracted with Walter P. Moore & Associates in the amount of $57,000 during July 2016 to provide a parking garage condition assessment and project management services for repairs to the City of Asheville's Harrah's Cherokee Center - Asheville Parking Garage; and

WHEREAS, additional repairs to the center stairwell in the parking garage are needed for it to be available for public use;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute an amendment to the existing parking garage repair project management contract between the City of Asheville and Walter P. Moore & Associates increasing the total value of the contract to $92,280.

Read, approved, and adopted this the 9th day of June 2020.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION 20-106

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FY2020 CARES ACT (SECTION 5307) GRANT FUNDS, AND TO SIGN ALL APPROPRIATE AGREEMENTS WITH THE FEDERAL TRANSIT ADMINISTRATION, FEDERAL AND STATE AGENCIES, EXECUTE SUBRECIPIENT AGREEMENTS, AND TO AMEND THE FISCAL YEAR 2020 TRANSIT OPERATIONS BUDGET TO INCLUDE THE CARES ACT REVENUE

WHEREAS, pursuant to N.C.G.S.§ 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, the Federal Transit Administration (FTA), has announced Notice for Supplemental FY 2020 5307 under the Coronavirus Aid, Relief, and Economic Security (CARES) Act for funding transit operations and capital projects that help transit systems to prevent, prepare for, and respond to COVID-19; and

WHEREAS, the French Broad River Metropolitan Planning Organization Board has reviewed the recommendations provided by the current recipients of Section 5307 FTA Urban Transit Formula funds including the City of Asheville, Buncombe County, Haywood County, and Henderson County, who convened and discussed CARES Act funding on April 13, 2020; and

WHEREAS, the 5307 Urban Transit Formula funding made available to the Asheville UZA through the CARES Act will be distributed to subrecipients via subrecipient agreements, based on the Adopted French Broad River MPO 5307 Suballocation Formula on April 28, 2020 without a 10% set-aside for regional Job Access Reverse Commute Activities; and

WHEREAS, the FTA will reimburse grant applicants for up to 100% of operating and capital cost of projects implemented with the CARES Act funding; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

City Council adopt a resolution authorizing the City Manager to adopt a resolution authorizing the City Manager to apply for the FY 2020 CARES Act (Section 5307) grant funds, and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute subrecipient agreements, and amend the FY 2020 Transit Operations budget to include the CARES Act revenue.

Read, approved, and adopted this 9th day of June 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20 - 107

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SAFETY PROTECTION BARRIERS USING SOLE SOURCE PROCUREMENT FROM GILLIG AFTERMARKET PARTS FOR INSTALLATION IN EXISTING EIGHTEEN GILLIG BUSES IN ASHEVILLE RIDES TRANSIT FLEET

WHEREAS, pursuant to N.C.G.S. §160A-17.1, the City is authorized to make contracts for and accept grants and loans form the federal and state governments and their agencies; and

WHEREAS, the Federal Transit Administration (FTA), has announced Notice for Supplemental FY 2020 5307 under the Coronavirus Aid, Relief, and Economic Security (CARES) Act for funding transit operations and capital projects that help transit systems to prevent, prepare for, and respond to COVID-19; and

WHEREAS, the City of Asheville has identified projects that would be eligible for this funding program that would fund related transit capital projects activities responding to COVID-19; and

WHEREAS, the City of Asheville has received quotes from Gillig Aftermarket Parts for safety protection barriers for installation in existing eighteen (18) Gillig transit buses and requests approval of procuring the safety protection barriers using a sole source procurement to comply with all applicable Federal and State procurement requirements; and

WHEREAS, the use of sole-source procurement is permitted in this instance pursuant to N.C.G.S. 143-129(e)(g)(iii) as equipment-compatibility is an overriding concern; and

WHEREAS, the FTA will reimburse grant applicants for up to 100 percent ot transit operations and capital cost of projects implemented with CARES Act funds; and

WHEREAS, the FTA has indicated that no local match would be needed for projects related to COVID-19;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to purchase safety protection barriers using sole source procurement from Gillig Aftermarket Parts for installation in existing eighteen (18) Gillig buses in Asheville Rides Transit (ART) fleet.

Read, approved, and adopted this 9th day of June 2020.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-108

RESOLUTION PROPOSING TO ACCEPT AN OFFER FOR SALE OF 105 SQUARE FEET OF AIR RIGHTS OVER WALL STREET TO COLLABORATIVE PARTNERSHIP PROPERTIES, LLC; DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF AIR RIGHTS; AND, IF NO OTHER BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY THE AIR RIGHTS

WHEREAS, the City of Asheville owns certain property adjacent to 26 Battery Park, being a sidewalk within the right of way of Wall Street; and

WHEREAS, pursuant to North Carolina General Statutes Section 160A-273, the City has the authority to grant air rights over public rights-of-way for the purpose of erecting a building or other permanent structure; and

WHEREAS, in May of 2020, a qualifying offer was received from Collaborative Partnership Properties, LLC to purchase 105 square feet of air space for the purpose of accommodating the addition of a third floor balcony (not to exceed 21 feet in length and 5 feet in width) on a Structure to be renovated at 26 Battery Park with the balcony extending over the sidewalk on Wall Street, in the amount of $753; and

WHEREAS, it has been determined by the City that the construction of the balcony, along with the air rights easement, will not substantially impair or hinder the use of the right of way as a passage; and

WHEREAS, the City Council of the City of Asheville proposes to accept the offer for the sale of air rights subject to the upset bid procedure pursuant to North Carolina General Statute 160A-269;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Clerk is hereby directed to publish a notice of the intent of the City of Asheville to sell 105 square feet of air rights located at 26 Battery Park, above the Wall Street right of way, to Collaborative Partnership Properties, LLC. The notice shall contain a general description of the property, the amount and terms of the offer and a notice that within ten days any person may raise the bid by not less than 10% of the first $1,000.00 and 5% of the remainder of the purchase price of $753.00. Per the statute, the Council may at any time reject any and all offers and;

If no qualified competing bids are received during the ten day upset bid period, then the City Manager is hereby directed to convey the aforementioned property to Collaborative Partnership Properties, LLC.

Additionally, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution subject to approval by the City Attorney in compliance with applicable North Carolina law.

Read and approved and adopted this 9th day of June, 2020.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-109

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER AN AGREEMENT WITH ASHEWELL MEDICAL GROUP FOR COVID-19 TESTING OF CITY EMPLOYEES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville has solicited services from Ashewell Medical Group for testing of frontline employees for COVID-19; and

WHEREAS, the City of Asheville desires to enter into an agreement with Ashewell Medical Group in the amount of $148,750; and

WHEREAS, funding for said work is included in the budget and the City would utilize funds from the Health Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an Agreement with Ashewell Medical Group for the agreement value of $148,750 for testing city employees for COVID-19 and its antibodies.

Read, approved and adopted this the 9th day of June, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-110

RESOLUTION AUTHORIZING THE CITY MANAGER TO TEMPORARILY SUSPEND, WAIVE, OR DEFER RENT (INCLUDING CAPITAL CONTRIBUTIONS) AND LOAN PAYMENTS TO THE CITY ACCORDING TO ADOPTED CRITERIA ON A CASE-BY-CASE BASIS AND ALSO RATIFYING ANY ADMINISTRATIVE DECISION ENACTED TO DEFER LOAN PAYMENTS OR TO SUSPEND COLLECTION OF RENTS.

WHEREAS, the the COVID-19 pandemic has had substantial negative impacts on citizens and local businesses including substantial financial burdens; and

WHEREAS, the City has to date attempted to ease the financial burdens placed on its citizens by administratively suspending the collection of certain fees, including transit fees, parking fees, fees for homestay permit renewals, and development and other certain fees and charges listed in the FY 2019-20 Fees and Charges Manual on a case-by-case basis; and

WHEREAS, the City anticipates that it may be necessary to also temporarily suspend or defer rent (including capital contribution) and/or loan payments in order to further help address the economic consequences of the COVID-19 pandemic;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby ratifies any administrative decision already enacted to defer loan payments or to suspend collection of rents and further authorizes the City Manager to temporarily suspend, waive or defer rent and loan payments to the City according to adopted criteria on a case-by-case basis and further authorizes the City Manager to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved, and adopted this the 9th day of June 2020.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

Deferrals and Waivers: Categories and Criteria for Consideration

Category 1: City levied fees suspended for the duration of the COVID-19 event [Ordinance Adopted-May 12, 2020]

Fees and charges suspended by the City for the duration of the event in order to facilitate improved social distancing and to protect employees and the public.

Criteria to be considered for suspension:

a) Risk to employees and the public of continuing to require payment (face-to-face contact).
b) Public benefit of suspension of fees.
c) Financial impact to the City.

Category 2: Request for waiver of rents or fees/capital contributions due to closure or other impact of COVID-19 event [Resolution Consideration June 9, 2020]

Organizations facing financial hardship due to ordered closure of business during COVID-19 that pay leases/rents or fees to the City in order to operate.

Criteria to be considered for waiver:

a) Is business closed due to the Governor's order or Buncombe County Stay Home Stay Safe?
b) Where does the business fall in the phased reopening?
c) Period of time for waiver, or month-to-month consideration. Waivers may be granted retroactively to March 2020 and reimbursements of rent paid during this period of hardship may be granted.

Category 3: Request for fee waivers for economic development or public good during the COVID-19 event.[Ordinance Adopted-May 12, 2020]

Fees that support economic development projects, projects directly impacting the public good, including new projects within the City supported by development and building fees.

Criteria to be considered for waiver:

a) Is the business essential? If the business is deemed essential and was able to operate during COVID-19, is there a financial hardship created by the payment of fees?
b) Will the project continue if fees are required to be paid?
c) Does the project have a significant public good component?

Category 4: Request for deferral of loans for longer than one month [Resolution Considered June 9, 2020]

Organizations with outstanding loans with the City which face financial hardship from the COVID-19 event.

If an organization is requesting loan payment waivers or deferrals in excess of one month, the following information must be provided to allow Staff to evaluate the proposal and make a recommendation:

1) A detailed explanation of why the waiver or deferral is necessary.
2) A plan for repayment if the request is for a deferral of rents or loan payments.
3) A detailed explanation of the public good supported by the waiver or deferral.

Criteria to be considered:

a) The public good supported by the waiver or deferral.
b) The financial impact on the City and any potential negative public impact caused by the waiver or deferral.
c) The appropriate structure for repayment of a deferral.
d) If a deferral is requested, the potential of the requesting business to repay the deferred loan amounts in the future.

RESOLUTION NO. 20- 111

RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF AN EXTENSION OF THE EXISTING MEMORANDUM OF UNDERSTANDING WITH RED ROOF INN FOR PROVISION OF MOTEL ROOMS FOR NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the community's existing emergency homeless shelters have been in isolation status, unable to admit new clients, the potential duration of the COVID-19 pandemic remains unknown, and there are persons in the community currently experiencing unsheltered homeless who are at grave risk for contracting COVID-19 because of age and/or underlying chronic health conditions; and

WHEREAS, Red Roof Inn, Incorporated has provided 60 motel rooms to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness who are at risk of contracting COVID-19 for an initial period of 30 days, and

WHEREAS, Red Roof Inn has agreed to provide 60 motel rooms to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness who are at risk of contracting COVID-19 for an additional period of at least 30 days; and

WHEREAS, the existing Memorandum of Understanding executed by the City of Asheville and Red Roof Inn, Inc. provides for extensions of additional 30 day periods on mutual agreement between the parties; and

WHEREAS, in order to avoid in lapse in service, it was necessary to execute an amendment to extend the duration of this contract in advance of obtaining City Council Approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council ratifies the City Manager's execution of an amendment to the existing Memorandum of Understanding with Red Roof Inn, Incorporated, for provision of 60 rooms at a nightly rate of $44.99 plus applicable taxes for up to two (2) additional periods of 30 days each.

Read, approved, and adopted this 9th day of June 2020.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

360

RESOLUTION NO. 20- 112

RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF AN EXTENSION OF THE CONTRACT WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA TO OPERATE A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the community's existing emergency homeless shelters have been in isolation status, unable to admit new clients, the potential duration of the COVID-19 pandemic remains unknown, and there are persons in the community currently experiencing unsheltered homeless who are at grave risk for contracting COVID-19 because of age and/or underlying chronic health conditions; and

WHEREAS, the City of Asheville has previously executed a Services Contract with Homeward Bound of Western North Carolina to provide essential operations services for a non-congregate emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, Homeward Bound of Western North Carolina has been successfully operating the existing non-congregate motel-based emergency shelter for persons experiencing unsheltered homelessness who are at risk of contracting COVID-19 during the initial contract period of 30 days, and

WHEREAS, Homeward Bound of Western North Carolina has agreed to continue to provide essential operations services for the existing non-congregate motel-based emergency shelter; and

WHEREAS, the existing Services Contract executed by the City of Asheville and Homeward Bound of Western North Carolina provides for extensions of additional 30 day periods on mutual agreement between the parties; and

WHEREAS, in order to avoid in lapse in service, it was necessary to execute an amendment to extend the duration of this contract in advance of obtaining City Council Approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council ratifies the City Manager's execution of a contract amendment to the existing Services Contract with Homeward Bound of Western North Carolina to continue to operate the existing non-congregate motel shelter for at-risk persons experiencing unsheltered homelessness for up to two (2) additional periods of 30 days each for a total cost not to exceed $100,000.

Read, approved, and adopted this 9th day of June 2020.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-113

RESOLUTION ADOPTING THE 2020 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A regular formal City Council meeting will be held on Tuesday, July 14, 2020, beginning at 5:00 p.m. in the Council Chamber, located on the 2nd Floor of City Hall.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 9th day of June, 2020.

Magdalen Bowlesson
CITY CLERK

Esther G Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

362

RESOLUTION NO. 20-114

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR A DEVELOPMENT LOCATED AT 2 RESTAURANT COURT (BEAUCATCHER VISTA LLC)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes, including affordable housing, in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat.§ 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Grant (LUIG) Policy in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Beaucatcher 2 Restaurant Court development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, the Beaucatcher Vista LLC development located at 2 Restaurant Court (PIN #9658-08-2350), proposes all 40 units to be 1 bedrooms, with 30 of the units set aside for households at or below 60% of Area Median Income (AMI) and the remaining 10 for 80% AMI households, affordable for a period of 21 years; and

WHEREAS, the property is situated in close proximity to commercial and transit amenities, including an ART bus stop, an Ingles grocery and pharmacy, and a number of potential employers; and

WHEREAS, the property's location and commitment to affordable housing merits a score of 150 on the LUIG scoring matrix, resulting in an award period of 21 years; and

WHEREAS, the current assessed value of the property is $786,000 with an annual City tax obligation of $3,371.15. An estimate of post-construction value from the developer is $4,000,000. A project valued at $4,000,000 at the current City tax rate of 0.4289 would result in an annual grant award of $13,784.85. Over the 21 year award period, the total value of the LUIG award would amount to a total of approximately $289,481.85;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby approves a Land Use Incentive Agreement to Beaucatcher Vista LLC to support the development of the project at 2 Restaurant Court. The estimated annual land use incentive grant would be the difference between the current City tax ($3,371.15) and the estimated post-completion City tax currently estimated to be $17,156. The City would allow an estimated annual grant of $13,784.85. The grant is approved for a period of 21 years with the total grant value estimated at $289,481.85. For a total land use Incentive grant of approximately $289,481.85. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 9th day of June, 2020.

Magdalen Bradley
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

RESOLUTION NO. 20-115

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR A DEVELOPMENT LOCATED AT 11 COLLIER AVENUE (TRIBUTE COMPANIES)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160A-456 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat.§ 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Tribute Collier development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy criteria adopted by the City Council, the Collier development located in the South Slope will be a 54 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose in that it will provide 54 units of moderate income housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 80% of the area median income), and accept housing choice vouchers / rental assistance for 10% of the affordable housing units (5 units), and the proposed project is located within .25 mile of a 1/2 hour transit stop served by an existing sidewalk , within the Central Business District, within 1 mile from job or urban center, and within a .5 mile from a Transportation Amenity;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby approves a Land Use Incentive Agreement to Tribute Companies to support the development of the project at 11 Collier Ave. The estimated annual land use incentive grant would be the difference between the current City tax ($2,235) and the estimated post-completion City tax currently estimated to be $4,776,599. The City would allow an estimated annual grant of $18,251. The grant is approved for a period of 21 years with the total grant value estimated at $383,292. For a total land use Incentive grant of approximately $383,292. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 9th day of June, 2020.

Magdalen Bowleson
CITY CLERK

Esther C. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

CITY OF ASHEVILLE RESOLUTION NO. 20-116

BUNCOMBE COUNTY RESOLUTION NO. 20-06-16

JOINT RESOLUTION OF THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY TO REMOVE THE CONFEDERATE MONUMENTS LOCATED AT THE BUNCOMBE COUNTY COURTHOUSE AND IN PACK SQUARE PARK, AND TO ESTABLISH A JOINTLY APPOINTED TASK FORCE TO RECOMMEND ACTION REGARDING THE REMOVAL OR REPURPOSING OF THE VANCE MONUMENT

WHEREAS, Monuments to Confederate soldiers and military leaders, which were installed in Asheville and many other communities in the South in the late 19th and early 20th Centuries by white Southerners seeking to preserve the Confederacy, are widely perceived as offensive and painful public reminders of the legacy of slavery and present realities of systemic racism in our country.

WHEREAS, A memorial monument honoring the 60th Regiment of North Carolina Confederate soldiers currently stands in front of the Buncombe County Courthouse, sitting on county-owned land; and

WHEREAS, A memorial monument known as the "Robert E. Lee Dixie Highway,Colonel John Connally Marker" is located in Pack Square Park, sitting on city-owned land; and

WHEREAS, Both of these monuments were paid for and erected by a private organization known as the United Daughters of the Confederacy, and ownership of these monuments have never passed to either the City or the County; and

WHEREAS, A memorial monument known as the "The Vance Monument" is also located in Pack Square Park, the former site of the county courthouse which is the likely location where slaves were sold and traded locally; and

WHEREAS, African-American residents of the City of Asheville and Buncombe County have issued a clear call to remove and/or repurpose these monuments as expeditiously as possible due to the harm they pose, and to replace them with monuments that honor local African-American history and are created by African-American artists; and

WHEREAS, The Confederacy was formed by its political leaders for the express purpose of perpetuating and expanding slavery of African Americans; and

WHEREAS, the City of Asheville and Buncombe County recognize that the legacy of slavery, institutional segregation and ongoing systemic racism directly harm public safety and public health; and

WHEREAS, pursuant to N.C. Gen. Stat. § 100-2.1(c), the City and County are authorized to remove the two Confederate monuments from public property; and

WHEREAS, The City of Asheville and Buncombe County are committed to promoting racial equity and justice, and desire to express this commitment through a joint resolution of their respective governing boards; and

WHEREAS, The City of Asheville and Buncombe County desire to remove Confederate monuments from the public spaces within the City of Asheville; and

WHEREAS, the City of Asheville and Buncombe County desire specifically to remove the monument to Confederate soldiers from the grounds near the County Courthouse and the Robert E. Lee monument from Pack Square Park; and

WHEREAS, The City of Asheville and Buncombe County desire to explore options for removing, relocating, or making alterations to the Vance Monument; and

WHEREAS, It is the intent of the governing boards of the City of Asheville and Buncombe County that these monuments be replaced or altered in such as manner as to honor the local history of African Americans; and

WHEREAS, The City of Asheville and Buncombe County want to seek citizen input - and particularly to hear from those most impacted by the monuments - regarding the future of the Vance Monument by the establishment of a jointly appointed task force which will explore options including removal, relocation, and alteration of the monument; and

WHEREAS, the City of Asheville and Buncombe County approve this resolution jointly at separate meetings of their governing boards;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AND THE BUNCOMBE COUNTY COMMISSION THAT:

Request is hereby made to the United Daughters of the Confederacy to immediately remove the two Confederate monuments located at the Buncombe County Courthouse and Pack Square Park. The City further requests that it receive from the United Daughters of the Confederacy its intent to remove the monument within 30 days, and that said removal is completed within 90 days. If the intent to remove is not received or the removal is not completed within the specified timeframes from the date of full adoption of this resolution, then the City of Asheville and Buncombe County shall take action to remove the monuments; and

A jointly appointed task force shall be established by the Asheville City Council and the Buncombe County Commission, consisting of not more than 12 members whose appointments will be made in equal numbers by the two governing boards. This task force shall, within three months of all appointments being made, provide a report to the City Council and the County Commission with a recommendation regarding the removal and/or repurposing of the Vance Monument. Once the report is presented, the task force shall perform such other duties as requested by the governing bodies. When no further action is requested, the task force shall dissolve. Upon passage of this resolution and until such time as the monument is removed or repurposed, it shall be shrouded in order to reduce its impact on the community and to reduce the risk of harm it presents in its current state.

Read, approved and adopted by the City of Asheville this 9th day of June, 2020.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Read, approved and adopted by Buncombe County this 16th day of June, 2020.

COUNTY CLERK

Brownie Newman
COMMISSION CHAIR

Approved as to form:

COUNTY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION 20-117

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING AGREEMENT TO FINANCE VEHICLES AND EQUIPMENT AND DELIVERY THEREOF AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into an installment financing agreement (the *"Contract"*) with JPMorgan Chase Bank, N.A. (the *"Lender"*) in order to pay the capital costs of the acquisition and installation of vehicles and equipment (collectively, the *"Projects"*), and to put a security interest in the Projects in favor of the Lender in order to provide security for the City's obligations under the Contract;

WHEREAS, the City will enter into the Contract in an aggregate principal amount of not to exceed $4,750,000;

WHEREAS, there has been made available to the City Council in the office of the City's Chief Financial Officer the form of the Contract which the City proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing; and

WHEREAS, it appears that the Contract is in appropriate form and is an appropriate instrument for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Ratification of Prior Actions.*** All actions of the City, the City Manager, the Assistant City Manager, the City Attorney, the City Purchasing Director, the Chief Financial Officer, the City Treasurer and the City Clerk and their respective designees in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Contract.

Section 2. ***Approval, Authorization and Execution of Contract.*** The City hereby approves the Projects in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the City in accordance with its terms. The City hereby approves the amount advanced by the Lender to the City pursuant to the Contract in an aggregate principal amount not to exceed $4,750,000 at an interest rate of 1.16% per annum, such amount to be repaid by the City to the Lender as provided in the Contract.

The form, terms and content of the Contract are in all respects authorized, approved and confirmed, and the City Manager, the Assistant City Manager, the City Attorney, the Chief Financial Officer, the City Treasurer and the City Clerk, including anyone serving in an interim capacity, or their respective designees (each a *"Designated Representative"*), individually or collectively, are authorized, empowered and directed to execute and deliver the Contract for and on behalf of the City, including necessary counterparts, in substantially the form made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions, and that from and after the execution and delivery of the Contract, each Designated Representative is hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 3. ***Further Actions.*** Each Designated Representative is hereby designated as the City's representative to act on behalf of the City in connection with the transactions contemplated by the Contract, and the Designated Representatives are authorized and directed to proceed with the Projects in accordance with the terms of the Contract, and to seek opinions on matters of law from the City Attorney, which the City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Designated Representatives are hereby authorized to designate one or more employees of the City to take all actions which they are authorized to perform under this Resolution, and each is in all respects authorized on behalf of the City to supply all information pertaining to the transactions contemplated by the Contract. The Designated Representatives, individually or collectively, are authorized to execute and deliver for and on behalf of the City any and all additional certificates, documents, opinions or other papers and perform all other acts as may be required by the Contract or as they may deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and the Contract.

Section 4. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

Section 5. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 6. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Read, approved and adopted this 23rd day of June, 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheim
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bourleson
City Clerk

370

RESOLUTION NO. 20-118

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIDWEST MAINTENANCE, INC, FOR THE ASHEVILLE CITY HALL - BELFRY ROOF REPLACEMENT AND TERRA COTTA MASONRY REPAIRS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Asheville City Hall - Belfry Roof Replacement and Terra Cotta Masonry Repairs project, City of Asheville Project # 298-CP20-FORMAL-Belfry; and

WHEREAS, Midwest Maintenance, Inc. of Piqua, Ohio, was the lowest responsive, responsible bidder for the project; and

WHEREAS, the amount of the bid is $ 880,706, and funding for the project is allocated within the Capital Projects Program budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Midwest Maintenance, Inc., in the amount of $ 880,706.00, for the Asheville City Hall - Belfry Roof Replacement and Terra Cotta Masonry Repairs project; further authorizing the City Manager to execute any change orders that may arise during the project up to the 5% construction contingency amount of $ 44,035.

Read, approved, and adopted this the 23rd day of June 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-119

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW CONTRACT FOR CITY SECURITY GUARD SERVICES AGREEMENT WITH MARTIN EDWARDS AND ASSOCIATES FOR A PERIOD OF ONE YEAR, WITH THE OPTION OF FOUR, ONE YEAR RENEWALS TO PROVIDE CITY ARMED GUARD SERVICES FOR NO MORE THAN FIVE CONSECUTIVE YEARS.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with Martin Edward Associates for the provision of City Security Guard services; and

WHEREAS, the City of Asheville desires to renew the above-referenced contract for an additional one-year; and

WHEREAS, the City of Asheville is seeking to modify the existing contract to include a term of service that will not exceed a period of five consecutive years; and

WHEREAS, funding for said work is included in the current fiscal budget in the City Hall Operations Division of the Capital Projects Department;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a new contract for City Armed Guards agreement with Martin Edwards and Associates in the amount not to exceed $140,000 for a period of one year, with the option of four, one year renewals to provide City security guard services for no more than five consecutive years.

Read, approved, and adopted this 23th day of June 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-120

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE MULTI-YEAR GENERAL SERVICES AGREEMENT WITH THE MILLS RIVER PARTNERSHIP, INC., FOR THE MILLS RIVER WATERSHED BEST MANAGEMENT PRACTICES PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department has an opportunity to partner with the Mills River Partnership to strategically address areas of concern in the Mills River watershed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the contract with multi-year general services agreement for the entire agreement with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of $180,000 over three (3) fiscal years contingent upon funding each year. The level of participation recommended is an amount up to $60,000 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds.

Read, approved, and adopted this 23rd day of June 2020.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-121

RESOLUTION AUTHORIZING THE CITY MANAGER TO REIMBURSE THE ASHEVILLE ART MUSEUM FOR EXPENSES INCURRED TO REPAIR STRUCTURAL ISSUES TO THE FACILITY THAT WERE DISCOVERED DURING THE RENOVATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 21 of Chapter 160A of the North Carolina General Statutes to support museums and the arts; and

WHEREAS, pursuant to N.C.G.S. § 160-488, the City is specifically authorized to appropriate and expend funds for the renovations of museums; and

WHEREAS, the City owns the property located at 2 Pack Square and leases this property to the Asheville Art Museum; and

WHEREAS, the Asheville Art Museums undertook a project to renovate the building to improve the space to support the administration and presentation functions of their operation, and

WHEREAS, during the renovation project they encountered and repaired structural issues caused by previous project that resulted in additional costs of $427,788.61; and

WHEREAS, the Asheville Art Museum has request to be reimbursed for the unexpected costs which they have incurred;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be authorized to reimburse the Asheville Art Museum in the amount of $427,788.61 for expenses incurred to repair structural issues to the facility that were discovered during the renovation project; and adopt a budget amendment in the amount of $233,866 from General Fund Assigned Fund Balance (funds previously assigned for capital expenditure) to aid in funding the reimbursement payment.

Read, approved, and adopted this the 23rd day of June 2020.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 20-122

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT $7,000 FROM CONNECT BUNCOMBE TO BE USED TO PRODUCE PUBLIC OUTREACH MATERIALS FOR THE CITY'S GREENWAY, ADA, AND PEDESTRIAN FACILITY PLANNING PROJECT (GAP PROJECT)

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 160A-11 to accept donations; and

WHEREAS, the Connect Buncombe is a local non-profit organization whose mission is to educate, advocate and fundraise for greenways in Buncombe County; and

WHEREAS, the Connect Buncombe awarded the City of Asheville $7,000 to be used for photography and videography about the GAP project (greenways, ADA, pedestrian); and

WHEREAS, these funds are part of a mini-grant program from Connect Buncombe that was awarded through an application process; and

WHEREAS, attractive public outreach campaigns are shown to raise awareness and increase public engagement and input;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept $7,000 from Connect Buncombe to be used to produce public outreach materials for the City's greenway, ADA, and pedestrian facility planning project (GAP project).

Read, approved and adopted this the 23rd day of June, 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION 20 - 123

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT AS WELL AS ANY AMENDMENTS OR ASSOCIATED DOCUMENTS BETWEEN THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY REGARDING THE DONATION AND PLACEMENT OF OUTDOOR NEEDLE DISPOSAL KIOSKS

WHEREAS, pursuant to N.C. G.S. 160A-461, units of local governments may enter into contracts and agreements with each other in order to execute any undertaking within their granted powers; and

WHEREAS, the ongoing opioid epidemic is a public health crisis that requires the work of all communities and governments to address; and

WHEREAS, the City has received numerous complaints of needle litter on or near or City property; and

WHEREAS, Buncombe County wishes to donate six large outdoor needle disposal kiosks (herein "ONDK") to the City of Asheville, to be placed on City property and rights of ways; and

WHEREAS, the City and County desire to enter into the Interlocal Agreement attached hereto as "Exhibit A";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council authorizes the City Manager to execute an Interlocal Agreement, as well as any amendments or associated documents, between the City of Asheville and Buncombe County regarding the donation and placement of outdoor needle disposal kiosks.

Read, approved and adopted this 23rd day of June, 2020.

Magdalen Bradley
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bradley
City Clerk

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INTERLOCAL AGREEMENT

NORTH CAROLINA
BUNCOMBE COUNTY

THIS INTERLOCAL AGREEMENT, made and entered into this 1st day of February 2020, by and between the COUNTY OF BUNCOMBE, a body politic and corporate organized and existing under the laws of the state of North Carolina (hereinafter referred to as "County") and the CITY OF ASHEVILLE, a North Carolina municipal corporation organized and existing under the laws of the state of North Carolina (hereinafter referred to as "City");

WITNESSTH

WHEREAS, pursuant to N.C.G.S. 153A-445 and N.C.G.S. 160A-461, the County and the City may enter into agreements in order to execute a governmental undertaking;

WHEREAS, the City and County have received numerous complaints of needle litter on or near County or City property; and

WHEREAS, public safety workers, waste workers and the general public run the risk of needlestick injuries based on needles left on the ground or improperly placed in the waste stream; and

WHEREAS, the County has received a grant and purchased a number of large outdoor needle disposal kiosks (herein "ONDK") to be placed in locations to help properly dispose of needle litter within Buncombe County and the City of Asheville;

WHEREAS, pursuant to N.C.G.S. 160A-296, the City has general authority and control over sidewalks within its territorial jurisdiction; and

WHEREAS, the County is wanting to donate six (6) ONDKs to be placed on City property; and

WHEREAS, the City and County both desire to enter into an Interlocal Agreement outlining the responsibilities of both parties.

NOW THEREFORE, in consideration of the promises and further consideration of the mutual agreements contained herein, as well as the financial consideration, the parties hereto agree as follows:

1. Buncombe County shall provide to the City free of charge six (6) ONDKs.

2. The City shall place the ONDKs in strategic locations within the City based on mutual agreement with the County. The City shall place the first two (2) ONDKs on the sidewalk in front of 40 Coxe Avenue, Asheville NC

28801 and on the sidewalk near the entrance to the Pisgah View Apartments.

3. The County will be responsible for removing the needles from every ONDKs. The County agrees that any entity collecting the needles will comply with all federal, state and local laws regarding the collection of and disposal of sharps.

4. The City will be responsible for maintaining the exterior of the ONDKs located on City property.

5. In the event that an ONDK is damaged such that it is no longer able to safely contain and prevent access to deposited needles, the County will be responsible for removing all needles in or around the ONDK, prior to the City securing or performing maintenance on the ONDK.

6. Either party shall notify the other if it discovers that an ONDK is in need of replacement or repair.

7. The term of this Agreement shall be from December 1, 2019 until November 30, 2020. This Agreement shall automatically renew for renewal terms of one (1) each beginning December 1, 2020 unless terminated as set forth in Section 8.

8. Either party may terminate this agreement prior to any renewal term by giving written notice of their intention to terminate to the other party at least sixty (60) days prior to any renewal term mentioned in paragraph 7 above. Any such notice shall be addressed and mailed as follows:

As to the County:	As to City:
Director of Health and Human Services	City Manager
Buncombe County HHS	City of Asheville
35 Woodfin Street	70 Court Plaza, Room 202
Asheville, NC 28801	Asheville, NC 28801

9. If this Agreement is terminated the City does not have to return the ONDKs located on City property.

IN WITNESS WHEREOF, the parties hereto have caused this Interlocal Agreement to be duly executed pursuant to authorization obtained in a duly adopted resolution or has otherwise been duly authorized to sign on behalf of their respective organization.

City of Asheville	County of Buncombe
By _____	By _____
City Manager	County Manager

RESOLUTION NO. 20-124

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC. FOR THE PROJECT KNOWN AS FISCAL YEAR 2021 UTILITY CUT CONCRETE REPAIR CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 2021 Utility Cut Concrete Repair; and

WHEREAS, Patton Construction Group, Inc. was the lowest responsible bidder for the project; and

WHEREAS, Patton Construction Group, Inc., shall provide all labor, materials and equipment for the construction of the Fiscal Year 2021 Utility Cut Concrete Repair; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Business Inclusion Program Manager with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Patton Construction Group, Inc. in the amount of $236,930.00 plus a 15% contingency of $35,539.50 for a total of $272,469.50 total for the project known as Fiscal Year 2021 Utility Cut Concrete Repair..

Read, approved, and adopted this the 14th day of July 2020.

Magdalen Bullock
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20- 125

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE AREA ARTS COUNCIL TO INSTALL A TEMPORARY DISPLAY OF PUBLIC ART

WHEREAS, the City, especially through its public art program, understands that Asheville's identity is largely built on its wealth of memorable places, its rich cultural heritage, and the excellent arts, crafts and maker communities that exist here today, including underrepresented African American artists and makers; and

WHEREAS, the City of Asheville desires to make a statement about racial equity and systemic racism through the installation of an artistic mural; and

WHEREAS, AAAC has substantially completed fundraising $22,100 of private donations for the purpose of designing, installing, and removing a BLM Mural on behalf of the City on the streets of Pack Square in order to galvanize solidarity and celebrate our collective movement towards addressing systemic issues locally; and

WHEREAS, elected officials from City and County passed a joint resolution in June 2020 to create a task force to study and recommend a future for several monuments that "are widely perceived as offensive and painful public reminders of the legacy of slavery and present realities of systemic racism in our country", including monuments within Pack Square Plaza; and

WHEREAS, the City and AAAC desire to set forth terms and conditions for an Agreement to install a temporary piece of art expressing the City's viewpoint in order to promote continued dialogue; and

WHEREAS, the City desires to commission a Black Lives Matter mural to express its position on a matter of public concern. This installation shall constitute a statement by the City of Asheville as a municipal entity, and the contents thereof shall be government speech;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an Agreement with the Asheville Area Arts Council to create a Black Lives Matter Mural around Pack Square Plaza.

Read, approved and adopted this 14th day of July, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to Form:

City Attorney

Magdalen Burleson
City Clerk

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Resolution No. 20-126

RESOLUTION OF APPRECIATION TO VIJAY KAPOOR

WHEREAS, Vijay Kapoor served as a member of the Asheville City Council since December 5, 2017; and

WHEREAS, Vijay untiringly devoted over three years to the City of Asheville during a period of time that numerous projects were initiated through his leadership, which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his commitment to Asheville's economic stability; and his commitment to funding basic government services; and

WHEREAS, Vijay served as member of the City Council Finance & Human Resources Committee; City Council Planning & Economic Development Committee; Firemen's Relief Fund; alternate member of the French Broad River Metropolitan Planning Organization; and Land-of-Sky Regional Council; and

WHEREAS, Vijay also served as liaison to the Greater Asheville Area Regional Airport; Civic Center Commission; Neighborhood Advisory Committee; and WNC Regional Air Quality Board; and

WHEREAS, Vijay has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Vijay was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Vijay has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to Vijay Kapoor for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Kapoor.

Read, approved and adopted this 28th day of July, 2020.

Esther E. Manheimer
MAYOR

VICE-MAYOR

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 20-127

RESOLUTION APPROVING THE HUD PROPOSAL FOR SUBMITTAL FOR THE CITY OF ASHEVILLE'S SPECIAL ALLOCATION OF CDBG FUNDS FOR COVID-19 AND AUTHORIZING THE CITY MANAGER TO SIGN ALL CONTRACTS AND LOAN AGREEMENTS,AFTER APPROVAL BY THE CITY ATTORNEY, WITH HUD AND OTHER DESIGNATED AGENCIES FOR THE IMPLEMENTATION OF THE AMENDED 19-20 ANNUAL ACTION PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program; and

WHEREAS, a Special Allocation of CDBG funds has been allocated to the City of Asheville as part of the federal CARES Act of 2020 in response to COVID-19; and

WHEREAS, this allocation in the amount of $615,934 is to be used to prevent, prepare for, and respond to the coronavirus / COVID-19; and

WHEREAS, the Community Development staff must submit a proposal to HUD to be awarded this special allocation that shows "Clarity of Need" and assists individuals and families under 80% Area Median Income (AMI) and/or Low & Moderate Income (LMI) areas that have been affected by COVID-19;

WHEREAS, a public hearing has been held on June 23, 2020, to obtain citizen input and comments on the proposal, and the proposal has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby approves the HUD proposal for submittal for the City of Asheville's special allocation of CDBG funds for COVID-19 / $615,934. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the implementation of the amended 19-20 Annual Action Plan

Read, approved and adopted this 14th day of July, 2020.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-128

RESOLUTION SUPPORTING COMMUNITY REPARATIONS FOR BLACK ASHEVILLE

WHEREAS, Black People have been unjustly Enslaved; and

WHEREAS, Black People have been unjustly Segregated; and

WHEREAS, Black people have been unjustly Incarcerated; and

WHEREAS, Black People have been denied housing through racist practices in the private realty market, including redlining, steering, blockbusting, denial of mortgages, and gentrification; and

WHEREAS, Black People have been denied housing, displaced and inadequately housed by government housing policies that include discriminatory VA/FHA practices, Urban Renewal, and a variety of local and federal "affordable" housing programs; and

WHEREAS, Black People have been consistently and widely impoverished by discriminatory wages paid in every sector of the local economy regardless of credentials and experience; and

WHEREAS, Black People have experienced disproportionate unemployment rates and reduced opportunities to fully participate in the local job market; and

WHEREAS, Black People have been systematically excluded from historic and present private economic development and community investments and, therefore, black-owned businesses have not received the benefits of these investments; and

WHEREAS, Black people have been segregated from mainstream education and within present day school programs that include AG, AP, and Honors; and

WHEREAS, Black students have experienced the denial of education through admission, retention and graduation rates of every level of education in WNC and through discriminatory disciplinary practices; and

WHEREAS, Black People historically and presently receive inadequate, if not detrimental, health care as exemplified by disproportionate morbidities and mortality rates that result from the generational trauma of systemic racism, discriminatory treatment by medical professionals, and discriminatory medical practices such as involuntary sterilizations, denial of adequate testing, denial of preventative and curative procedures; and

WHEREAS, Black People have been unjustly targeted by law enforcement and criminal justice procedures, incarcerated at disproportionate rates and subsequently excluded from full participation in the benefits of citizenship that include voting, employment, housing and health care; and

WHEREAS, Black People have disproportionately been forced to reside in, adjacent to, or near Brown Zones and other toxic sites that negatively impact their health and property; and

WHEREAS, Black People have disproportionately been limited to the confined routes of travel provided by public transportation; and

WHEREAS, Black People have disproportionately suffered from the isolation of food deserts and childcare deserts;

WHEREAS, systemic racism was created over centuries and will take time to dismantle;

WHEREAS, state and federal governments have a responsibility to adopt programs, policies, and funding to address reparations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the CIty of Asheville:

(1) apologizes and makes amends for its participation in and sanctioning of the Enslavement of Black People;

(2) apologizes and makes amends for its enforcement of segregation and its accompanying discriminatory practices;

(3) apologizes and makes amends for carrying out an urban renewal program that destroyed multiple, successful black communities;

(4) calls on other organizations and institutions in Asheville that have advanced and benefitted from racial inequity to join the city in its apologies and invites them to address racism within their own structures and programs and to work with the city to more comprehensively address systemic racism;

(5) calls on the State of North Carolina and the federal government to initiate policymaking and provide funding for reparations at the state and national levels;

(6) directs the City Manager to establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the black community;

(7) fully supports its equity department, staff and its work, and encourages the city manager to utilize their talents when forming policy and programs that will establish the creation of generational wealth and address reparations due in the black community as mentioned above;

(8) seeks to establish within the next year, a new commission empowered to make short, medium and long term recommendations that will make significant progress toward repairing the damage caused by public and private systemic Racism. Other local government community

organizations may also be invited to have representation on the Commission.The task of the Community Reparations Commission is to issue a report in a timely manner for consideration by the City and other participating community groups for incorporation into their respective short and long term priorities and plans. Accountability for achieving equity will be enforced in the appropriate offices. The report and the resulting budgetary and programmatic priorities may include but not be limited to increasing minority homeownership and access to other affordable housing, increasing minority business ownership and career opportunities, strategies to grow equity and generational wealth, closing the gaps in health care, education, employment and pay, neighborhood safety and fairness within criminal justice;

(9) calls on the city manager to give, at minimum, a bi-annual update to the city council on the progress of work performed pursuant to this resolution.

Read, approved and adopted this 14th day of July, 2020.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-129

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MB HAYNES CORPORATION DBA HAYNES SOLAR FOR THE INSTALLATION OF ONSITE SOLAR PHOTOVOLTAIC SYSTEMS AT FIVE CITY FACILITIES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Aggregated Solar Projects; and

WHEREAS, the MB Haynes Corporation DBA Haynes Solar of Asheville, NC was the lowest responsible bidder for the project; and

WHEREAS, the MB Haynes Corporation DBA Haynes Solar shall provide all labor, materials, and equipment for the installation of the solar photovoltaic systems at five City of Asheville facilities, Burton Street Community Center, Linwood Crump Shiloh Community Center, Fire Station #10, Firestation #11, and Wall Street Parking Deck; and

WHEREAS, the amount of the bid is $788,835, and funding for the project is allocated within the Green Savings Account;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with MB Haynes Corporation DBA Haynes Solar in the amount of $788,835, for the Aggregated Solar Projects; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $78,884 (10%).

Read, approved and adopted this the 28th day of July 2020.

Magdalen Bullion
City Clerk

Esther G Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

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RESOLUTION NO. 20-130

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ACCEPT A DONATION OF LAND FROM RIVERLINK INC. LOCATED ON GASH FARM ROAD

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Riverlink Inc. ("Riverlink") is the owner of real property located at the intersection of Gashes Farm Road and Azalea Road, identified as PIN # 9668-63-8491-00000; and

WHEREAS, Riverlink Inc. has no use for this property and has offered to donate it to the City of Asheville at no cost; and

WHEREAS, the City would like to accept this property for the purpose of improving the intersection at Gash Farm Creek and Azalea Road;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute documents necessary to accept this donation of real property from Riverlink Inc. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 28th day of July, 2020.

Magdalen Bulleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-131

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TRAFFIC - REVIEW AND INSPECTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE NCDOT TO PERFORM DESIGN REVIEW AND INSPECTION OF THE ADDITION OF PEDESTRIAN PHASING AT THE SIGNALIZED INTERSECTION OF NC 280 (AIRPORT ROAD) AND WALMART / CAROLINA FURNITURE CONCEPTS AS A PART OF A SIDEWALK BOND PROJECT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 160A-296 to maintain and control those areas of sidewalks within its jurisdiction that are not owned by the N.C. Dept. of Transportation (NCDOT); and

WHEREAS, the City has plans to construct a new sidewalk along NC 280 (Airport Road) from US 25 (Hendersonville Road) to the western end of Wal-Mart; and

WHEREAS, the NCDOT and the City of Asheville agree that pedestrian phasing is needed at one signalized intersection to enhance the pedestrian experience; and

WHEREAS, the City has prepared the appropriate designs to add pedestrian phasing and will be furnishing and installing the equipment and crosswalks;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a traffic - review and inspection agreement with the N.C. Dept. of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at the signalized intersection of NC 280 (Airport Road) and Walmart / Carolina Furniture Concepts and to submit payment in the amount of $5,000 upon partial execution of the agreement by the City.

Read, approved and adopted this the 28th day of July, 2020.

Magdalen Bulleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20- 132

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CONTRACTS WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA, RED ROOF INN, INC. AND AXIS SECURITY TO SUSTAIN OPERATIONS OF A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the community's existing emergency homeless shelters have been in isolation status, unable to admit new clients, the potential duration of the COVID-19 pandemic remains unknown, and there are persons in the community currently experiencing unsheltered homeless who are at grave risk for contracting COVID-19 because of age and/or underlying chronic health conditions; and

WHEREAS, the City of Asheville has previously executed contracts withHomeward Bound of Western North Carolina, Red Roof Inn, and Axis Security for operations of a non-congregate emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the parties have been successfully providing services as agreed; and

WHEREAS, the parties have agreed to continue these services essential operations services for an additional 90 days as needed; and

WHEREAS, the existing agreements with the parties provide for extensions on mutual agreement between the parties; and

WHEREAS, the incidence of confirmed COVID-19 cases continues to rise and poses grave risk to persons experiencing unsheltered homelessness who have chronic health concerns;

WHEREAS, in order to avoid in lapse in service, it is necessary to execute an contract amendments to extend the duration of existing services contracts;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to execute an execution of contract amendments to the existing Services Contract with Homeward Bound of Western North Carolina, Memorandum of Understanding with Red Roof Inn, Inc. and Services Contract with Axis Security to extend the existing shelter operations for up to 90 days commencing August 8, 2020.

Read, approved, and adopted this 28th day of July 2020.

Magdalen Bourleson
CITY CLERK

Esther G Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-133

RESOLUTION APPOINTING MEMBERS TO THE VANCE MONUMENT TASK FORCE

WHEREAS, On June 9, 2020, by Resolution No. 20-116, City Council adopted a joint resolution with the Buncombe County Board of Commissioners to appoint a joint task force consisting of not more than 12 members whose appointments will be made in equal numbers by the two governing boards; and

WHEREAS, the task force shall, within three months of all appointments being made, provide a report to the City Council and County Commissioners with a recommendation regarding the removal and/or repurposing of the Vance Monument; and

WHEREAS, once the report is presented, the task force shall perform such other duties as requested by the governing bodies; and

WHEREAS, when no further action is requested, the task force shall dissolve;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Antanette Mosley, Deborah Miles, Bernard Oliphant, Savannah Gibson, Oralene Simmons, and Shirley Whitesides be and are hereby appointed as members of the Vance Monument Task Force until the Task Force provides a report to the City Council and County Commissioners with a recommendation regarding the removal and/or repurposing of the Vance Monument.

Lawrence Gilliam and Ben Scales be and are hereby appointed as alternate members of the Vance Monument Task Force until the Task Force provides a report to the City Council and County Commissioners with a recommendation regarding the removal and/or repurposing of the Vance Monument.

Read, approved and adopted this 28th day of July, 2020.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-134

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S ANNUAL ACTION PLAN FOR 2020-2021 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED ANNUAL ACTION PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is Lead Entity on behalf of the Asheville Regional Housing Consortium for the federal Home Investment Partnerships Program (HOME); and

WHEREAS, each year, the City must submit to the U.S. Department of Housing and Urban Development (HUD) an Annual Action Plan detailing its proposed use of CDBG and HOME funds for the upcoming fiscal year; and

WHEREAS, a public hearing has been held on July 28, 2020, to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the submission to HUD of the Annual Action Plan for 2020-21 which is incorporated by reference as if fully set forth herein.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the implementation of the Consolidated Annual Action Plan.

Read, approved and adopted this 30th day of July, 2020.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-135

RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF BUNCOMBE AND CITY OF ASHEVILLE REGARDING MAINTENANCE OF NEWLY CONSTRUCTED SIDEWALKS ON NEW LEICESTER HIGHWAY

WHEREAS, the City of Asheville has authority pursuant to pursuant to N.C.G.S 160A-461, units of local government may enter into agreements with each other in order to jointly exercise any power or function of local government; and

WHEREAS, the City of Asheville desires to construct sidewalks to improve pedestrian traffic along New Leicester Highway; and

WHEREAS, the City of Asheville is in receipt of federal funding for the construction of sidewalk and pedestrian crossing improvements on New Leicester Highway extending from Patton Avenue into the jurisdiction of Buncombe County; and

WHEREAS, the City and County have agreed that each will be responsible for the maintenance of the new sidewalks and associated improvements that are located within their respective jurisdictions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute an Interlocal Agreement between the City of Asheville and Buncombe County regarding construction and maintenance of a sidewalk and associated improvements along New Leicester Highway.

Read, approved, and adopted this the 25th day of August 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 20-136

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GREEN BUILT ALLIANCE TO IMPLEMENT AND MANAGE THE BLUE HORIZONS PROJECT AND BLUE HORIZONS PROJECT COMMUNITY COUNCIL

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Blue Horizons Project will engage our community to provide cost effective services, programs, and new products they value through investment in clean renewable ways to power Western North Carolina; and

WHEREAS, City residents and businesses will have a greater ability to participate in the Blue Horizons Project through the Blue Horizons Project Community Council and seize the opportunity to use renewable energy and participate in energy efficiency and demand side management programs to increase the City's resilience;

WHEREAS, on January 28, 2020 through Resolution 20-18 City Council dissolved the joint City-County Energy Innovation Task Force and replaced it with the Blue Horizons Project Community Council which will be implemented and managed by a local non-profit to be select by an RFP process; and

WHEREAS, on January 28, 2020 through Resolution 20-19 City Council authorized an interlocal agreement with Buncombe County to issue a joint request for proposals ("RFP") for a local non-profit organization to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council;and

WHEREAS, the RFP was advertised by Buncombe County on May 6, 2020 and only one response was received, the one from Green Built Alliance; and

WHEREAS, the Green Built Alliance has been managing and implementing the Blue Horizons Project for the past two years and therefore, there will be continuity with the continued program management;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with the Green Built Alliance in the amount of $100,000 to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

Read, approved, and adopted this the 25th day of August 2020.

Magdalen Bulleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-137

RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE TWO GILLIG 30-FOOT DIESEL ELECTRIC HYBRID BUSES

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, N.C.G.S §143 -129 (g) permits a municipal governing board to waive the requirement to request formal bids for procurement contracts; and

WHEREAS, N.C.G.S. 143-129(e)(3) authorizes purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies; and

WHEREAS, the Transportation Department has identified transit needs that include bus purchases for FY 2021; and

WHEREAS, Federal funds would assist in the funding of such needs; and

WHEREAS, the local match is currently budgeted in the Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to purchase two new Gillig 30-foot diesel electric hybrid buses for the Asheville Rides Transit System totaling $1,441,526 using the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 that the City of Asheville is part of.

Read, approved and adopted this the 25th day of August, 2020.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 20-138

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY KNOWN AS GAYLE STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR SEPTEMBER 22, 2020

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened of right of way of known as Gayle Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close an unopened right-of-way known as Gayle Street, described as:

Beginning at a #5 pin located in the northern most point of Lot 22, as described in Plat Book 32, Page 103, Buncombe County Registry; thence North 41°58'43" E 60 feet to a #4 pin; thence on a curve to the right with a radius of 47 71', with an arc length of 90.05' and chord length of 77.27", bearing N 06°18'56" E delta angle 108°08'12" to a point; thence North 35°29'32" W 60.22' to a #4 pin; thence on a curve to the left with a radius of 107.52', with an arc length of 197.66' and chord length of 170.98', bearing S 04°35'09" W, delta angle 105°08'12" to the point of beginning. Being that .199 Acre tract described as "Area of R/W to be combined with PIN:9627-22-9286" shown on the survey entitled "Recombination Survey For: James S. Parris and Carson K. Dellinger", by WNC Surveying & Mapping, Job #200202 dated April 9, 2020.

2. A public hearing on the question of permanently closing an unopened right-of-way known as Gayle Street is hereby called for on Tuesday, September 22, 2020, at the regular meeting of City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on September 22, 2020.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along an unopened right-of-way known as Gayle Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bouleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 20-139

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DESIGN-BUILD CONTRACT WITH WEAVER COOKE CONSTRUCTION FOR PRE-CONSTRUCTION SERVICES FOR THE ASHEVILLE CITY HALL ELEVATOR MODERNIZATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1A, Design-Build teams were solicited for the Asheville City Hall Elevators Modernization Project - Advertisement # 298-RFQ-CityHallElevators; and

WHEREAS, WeaverCooke Construction, of Asheville, NC, was selected as the best qualified firm for the project; and

WHEREAS, the amount of the Pre-Construction fees are $ 129,532.20, and funding for the project is allocated within the Capital Projects Program budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a Design-Build contract with Weaver Cooke Construction, in the amount of $ 129,532.20 for pre-construction services, for the Asheville City Hall Elevator Modernization Project; and further authorizing the City Manager to execute construction and associated cost amendments up to a total of $ 2,304,831.00 in order to complete the construction of this project.

Read, approved, and adopted this the 25th day of August 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-140

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARTHOLOMEW CONSTRUCTION OF HENDERSONVILLE, NORTH CAROLINA, FOR THE CONSTRUCTION OF THE FULTON STREET SIDEWALK PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Fulton Street sidewalk project, City of Asheville Project #X-1903; and

WHEREAS, Bartholomew Construction of Hendersonville North Carolina was the lowest responsible bidder for the project; and

WHEREAS, the Bartholomew Construction of Hendersonville North Carolina shall provide all labor, materials, and equipment for the project; and

WHEREAS, the amount of the bid is $435,723.18 and funding for the project is allocated within the Transportation Bond project Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Bartholomew Construction of Hendersonville North Carolina in the amount of $435,723.18 for the Fulton Street sidewalk project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $43,900.

Read, approved, and adopted this the 25th day of August 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-141

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY ON OLD HAYWOOD ROAD AND EASTVIEW CIRCLE TO HAWTHORNE AT HAYWOOD APARTMENTS, LLC FOR CONSTRUCTION OF A SEWER SERVICE LINE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of the Old Haywood/Eastview Circle property located near this intersection, identified as PIN # 9618-90-5267 (the "Property"); and

WHEREAS, the property owner has requested an easement of 2,736 square feet whose fair market value has been determined to be $6,594 and the property owner has agreed to pay that amount to the City of Asheville; and

WHEREAS, the City's Police, Fire and Streets Department were consulted and have no objections to the connection because its location, minimal impact to the Property, and the easement will not impact the City's ability to access Old Haywood Road in the future;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent sewer easement over a portion of property located on the Old Haywood Road & Eastview Circle to Hawthorne at Haywood Apartments, LLC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-142

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE ASHEVILLE BUNCOMBE COMMUNITY LAND TRUST (ABCLT) FOR $1M IN AFFORDABLE HOUSING BOND DOLLARS TO BE USED FOR CAPITAL COSTS AND $100,000 IN HOUSING TRUST FUND (HTF) DONATION FUNDS TO BE USED FOR STAFFING AND OPERATIONAL COSTS

WHEREAS, the voters in the City of Asheville approved $25 million in Affordable Housing General Obligation Bond funds on November 8, 2016, and the City allocated $10 million of the $25 million available to direct project investment in affordable housing, and

WHEREAS, City Council approved the allocation of the $10 million, including $1 million for a Community Land Trust, in August, 2017, and City Council later in July, 2018, passed a resolution to recommit $1 million to the Community Land Trust, recognizing the formation of the ABCLT; and

WHEREAS, the ABCLT has continued to build capacity as a housing partner by incorporating on June 8, 2018, being approved for 501(c)(3) status on May 6, 2019, adopting both a Ground Lease & Resale Formula as well as Stewardship Policies & Procedures in October, 2019, and hiring a part-time Executive in January, 2020; and

WHEREAS, a Grant Agreement has been drafted regarding the use of the City's $1M in Bond Funding where the ABCLT agrees to develop and/or acquire and renovate a minimum of 8 single family homes (or condominiums) within the City of Asheville to be sold to low-income (80% of AMI or less) at affordable prices utilizing the community land trust model which ensures permanent affordability of these housing units through a long-term (99 year) ground lease between the land trust and homeowner, and

WHEREAS, the ABCLT has submitted a 5 year plan for development and/or acquisition and rehab and sale of these affordable homes to the City, including projected use of funds; and

WHEREAS, The City will disburse the bond funds on a performance basis that would seed the ABCLT with a total of 8-10 homes in their portfolio by the end of calendar year 2025 at the latest; and

WHEREAS, the City of Asheville occasionally receives donations to the Housing Trust Fund (HTF) from private individuals and organizations to support and advance affordable housing efforts; and

WHEREAS, the City of Asheville Housing Trust Fund program was established in September 2000 with the goal of providing low cost financial assistance to incentivize the development and preservation of affordable housing within the city limits for the benefit of moderate to low income individuals and families; and

WHEREAS, City Management is often in search of funding to support pilot programs to enhance an organization's efforts to support the production, preservation and protection of affordable housing; and

WHEREAS, the ABCLT is in need of $100,000 for operational funding to help secure a full-time Executive Director and other operations expenses, such as office rent and utilities, office supplies, etc., giving priority to salary, taxes and fringe benefits of staff necessary to provide stewardship to its properties and homeowners and build its financial sustainability; and

WHEREAS, the Deerfield Episcopal Retirement Community agreed that $100,000 of its previously made $250,000 donation to the City's HTF, donated on October 22, 2019, could be used for the ABCLT; and

WHEREAS, the actions described above would help support community partners focused on the strengthening of communities through affordable housing and economic opportunity in Asheville;

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to approve a grant agreement with the Asheville Buncombe Community Land Trust (ABCLT) for $1m in Affordable Housing Bond Dollars to be used for capital costs and $100,000 in Housing Trust Fund (HTF) donation funds to be used for staffing and operational costs in order to support and advance affordable housing homeownership efforts.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-143

RESOLUTION AMENDING RESOLUTION NO. 17-198 TO CHANGE THE UNIT GOAL FOR THE COMMUNITY LAND TRUST

WHEREAS, the City Council of the City of Asheville adopted Resolution No. 17-198 approving the allocation of $10 Million of Affordable Housing General Obligation Bond Funds on August 22, 2017; and

WHEREAS, the resolution allocated $1,000,000.00 in bond funds for a community land trust start up and stated a housing unit goal of 35 units to be developed with those funds; and

WHEREAS, the Asheville Buncombe Community Land Trust ("ABCLT") was incorporated on June 8, 2018, and has now formulated plans, including a Ground Lease & Resale Formula and Stewardship Policies & Procedures, for use of the bond to develop and or acquire and renovate 8-10 permanently affordable housing units; and

WHEREAS, the City and ABCLT plan to enter into a Grant Agreement regarding the use and distribution of the $1 million in affordable housing bond fund and wish to revise the unit goal of 35 units noted in Resolution No. 17-198 to a reflect a mutually agreeable, more realistic goal of 8-10 units;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Resolution No. 17-198 is hereby amended by replacing the land trust affordable housing unit goal of 35 with a goal of 8-10 affordable units.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 20 -144

RESOLUTION RATIFYING PARATRANSIT SERVICES AGREEMENT WITH BUNCOMBE COUNTY AND APPROVING AN AMENDMENT TO THE AGREEMENT TO INCREASE FUNDING IN THE CURRENT CONTRACT

WHEREAS, N.C.General Statute §160A-461 requires that inter-local agreements entered into by the City be ratified by the City Council; and

WHEREAS, the City entered into an agreement with Buncombe County to provide paratransit services through Mountain Mobility; and

WHEREAS, the City is required by the Federal Transit Administration to provide comparable paratransit service within the service area of the Asheville Rides Transit system pursuant of the Americans with Disabilities Act of 1990, and

WHEREAS, the Federal Transit Administration requires the City of Asheville to enter into a contract agreement incorporating all federal requirements agreed to by the City of Asheville in the master agreement with the Federal Transit Administration; and

WHEREAS, in order to avoid lapse in service and to pay services rendered, it is necessary to execute an amendment to increase the amount of funds in the contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to ratify the Paratransit Services Agreement with Buncombe County and to amend the agreement to increase the contract amount by $14,002.46 for FY 2020 paratransit services and to include $1.3 million in the agreement to pay for paratransit services to be rendered in FY 2021.

Read, approved and adopted this 25th day of August 2020.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-145

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HARRISON CONSTRUCTION COMPANY DIVISION OF APAC ATLANTIC , INC. FOR THE PROJECT KNOWN AS LIVINGSTON ST. (DEPOT WEST THROUGH TRAFFIC CIRCLE) - RESERVOIR ROAD RESURFACING

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Livingston St. (Depot west through traffic circle) - Reservoir Road Resurfacing

WHEREAS, Harrison Construction Company Division of APAC Atlantic, Inc. was the lowest responsible bidder for the project; and

WHEREAS, Harrison Construction Company Division of APAC Atlantic, Inc., shall provide all labor, materials and equipment for the construction of the Livingston St. (Depot west through traffic circle) - Reservoir Road Resurfacing project; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Business Inclusion Program Manager with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Harrison Construction Company Division of APAC Atlantic, Inc. in the amount of $383,900 plus a 15% contingency of $57,585, for a total of $441,485 for the project known as Livingston St. (Depot Stree west through traffic circle) - Reservoir Road Resurfacing.

Read, approved, and adopted this the 25th day of August 2020.

Magdalen Bruleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

RESOLUTION NO. 20-146

RESOLUTION AMENDING THE RULES OF PROCEDURE OF THE ASHEVILLE CITY COUNCIL

WHEREAS, the Asheville City Council is authorized pursuant to N.C.G.S. 160A-71, 160A-81, and 160A-81.1 to adopt and amend rules of procedure; and

WHEREAS, newly adopted legislation North Carolina Session Law 2019-111, Part I, commonly referred to as "160D" and Part II enacted on June 19, 2020 requires changes to the Council's rules in regard to conflict of interest standards (G.S. 160D-109(a)) and in regard to the voting procedures for planning and development related ordinances (G.S. 160A-75); and

WHEREAS, the City Council has determined it is in the public interest to amend its Rules of Procedure in order to reflect these new statutory requirements and also to generally modernize and update existing procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Rules of Procedure of the Asheville City Council are hereby amended as set forth in Exhibit A, attached hereto.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bulleson
City Clerk

Esther G. M
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RULES OF PROCEDURE FOR CITY COUNCIL

1. MEETING TIMES. Pursuant to N.C.G.S. 160A-71, the city council shall establish its regular meeting schedule by resolution, which schedule may be amended from time to time. A copy of the regular meeting schedule shall be filed with the City Clerk as provided in N.C.G.S. 143-318.12, and otherwise as required by law, and shall be attached to these Rules as an Appendix. Regular meetings may be designated as "formal meetings" or "worksessions."

The primary purpose of worksessions, whether they precede the formal meetings or are conducted solely as worksessions, is to inform the council of matters over which the council has concern, including upcoming agenda items. The focus of the worksessions will be receiving reports from the staff and other professionals reporting to the council; meeting with representatives of other governmental bodies, including boards and commissions appointed by the council; and receiving such additional information as the council may deem appropriate in carrying out its duties.

Formal action in the form of ordinances and resolutions will ordinarily not be taken at worksessions; however, council may provide direction as to those matters coming before it t worksessions. Because of the nature of worksessions, and because opportunities for public comment will be provided for any item when said item is scheduled for action by the council, public comment will not ordinarily be taken at worksessions.

Notwithstanding the foregoing, worksessions are regular meetings of the council, and council is not precluded from suspending its rules and taking action when it is necessary or expedient to do so. In such event and to the extent practical, the possibility that council will take action on an item will be noted on the published worksession agenda, and public comment as to that item will be received. The council may in any case suspend the rules to allow public comment as to any item under consideration at a worksession. If public comment is allowed at a worksession, the rules governing public comment, including Rules 7 and 7.5, will apply.

2. SPECIAL, EMERGENCY, AND ADJOURNED [or RECESSED] MEETINGS

(a) Special Meetings. The mayor, the vice mayor, or any two members of the council may at any time call a special council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. At least 48 hours before a special meeting called in this manner, written notice of the meeting stating its time and place and the subjects to be considered shall be (a) delivered to the mayor and each council member or left at his or her usual dwelling place;
(b) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and (c) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. Only those items of business specified in the notice may be transacted at a

special meeting called in this manner, unless all members are present or have signed a written waiver of notice.

A special meeting may also be called or scheduled by vote of the council in open session during another duly called meeting. The motion or resolution calling or scheduling the special meeting shall specify its time, place, and purpose. At least 48 hours before a special meeting called in this manner, notice of the time, place, and purpose of the meeting shall be (a) posted on the council's principal bulletin board, or if none, at the door of the council's usual meeting room; and (b) mailed or delivered to each newspaper, wire service, radio station, television station, and person who has filed a written request for notice with the city clerk. [Such notice shall also be mailed or delivered at least 48 hours before the meeting to each council member not present at the meeting at which the special meeting was called or scheduled, and to the mayor if he or she was not present at that meeting.]

(b) Emergency Meetings. The mayor, the vice mayor, or any two members of the council may at any time call an emergency council meeting by signing a written notice stating the time and place of the meeting and the subjects to be considered. The notice shall be delivered to the mayor and each council member or left at his or her usual dwelling place at least six hours before the meeting. Notice of the meeting shall be given to each local newspaper, local wire service, local radio station, and local television station that has filed a written emergency meeting notice request, which includes the newspaper's, wire service's, or station's telephone number, with the city clerk. This notice shall be given either by telephone or by the same method used to notify the mayor and the council members, and shall be given at the expense of the party notified.

Emergency meetings shall only be called because of generally unexpected circumstances that require immediate consideration by the city council. Only business connected with the emergency may be considered at an emergency meeting.

(c) Adjourned [or Recessed] Meetings. A properly called regular, special, or emergency meeting may be adjourned [or recessed] by a procedural motion made and adopted as provided in Rule 19 in open session during the regular, special or emergency meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of an adjourned [or recessed] session of a properly called regular, special, or emergency meeting.

3. ORGANIZATIONAL MEETING. On the date and at the time of the first regular meeting in December following a general election in which council members are elected, or at an earlier date, if any, set by the incumbent council, the newly elected members shall take and subscribe the oath of office as the first order of business. As the second order of business, the council shall elect a vice mayor to act as mayor pro tem in the absence of the mayor. This organizational meeting shall not be held before the municipal election results are officially determined, certified, and published.

4. AGENDA.

(a) The city clerk shall prepare the agenda for each meeting as directed by the mayor and the city manager. Any council member may have an item placed on the agenda so long as the request is timely and is consistent with the notice requirements of Rule 2, if applicable, and subject to other requirements set out in these rules. A copy of all proposed ordinances shall be attached to the agenda.

(a1) Three or more council members may request to have an item placed on the agenda by making a written request for the addition to the Mayor and the City Manager, or may complete the "Agenda Item Request Form" in the appendix and submit the form to the city clerk. The mayor may direct the item to be placed on the agenda for the next available council meeting or may direct that the item be submitted to one or more council committees. Items that have been reviewed by a council committee shall be placed on the agenda for the next available council meeting. If three or more council members request that an item be placed on council's agenda without first going to a council committee, said item shall be placed on the agenda for the next available council meeting. Nothing herein shall limit council's ability to add items to the agenda pursuant to paragraph (c) below.

(b) An agenda package shall be prepared that includes, for each item of business placed on the agenda, as much background information on the subject as is available and feasible to reproduce. In order to facilitate preparation of the agenda package, written materials (including display materials) that will be used in presenting an agenda item, including presentations by council members, shall be provided to the city clerk no later than eight calendar days prior to the day of the meeting at which the item is scheduled. For example, information to be considered at a meeting scheduled for the third Tuesday should be submitted to the city clerk not later than 5:00 p.m. on the Monday preceding the second Tuesday. The preceding sentence does not apply to items originating with the city manager or city attorney, or that were considered by the council at

a preceding worksession, and scheduled for a formal meeting at the direction of council. For good cause, the submission deadlines set out herein may be modified with the consent of the mayor. Each council member shall receive a copy of the agenda and the agenda package, and they shall be available for public inspection and distribution or copying when they are distributed to the council members.

(c) The council may by majority vote add items to or subtract items from the agenda, except that (i) the council may not add items to the agenda stated in the notice of a special meeting called by the mayor, vice mayor, or two council members, unless all members are present, or those who are absent sign a written waiver of notice, and (ii) only business connected with the emergency may be considered at an emergency meeting.

(d) The council shall not deliberate, vote, or otherwise take action on any matter by reference to a letter, number or other designation, or other secret device of method, with the intention of making it impossible for person attending a meeting of the council to understand what is being deliberated, voted, or acted on. The council may, however, deliberate, vote, or otherwise take action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted, or acted on are available for public inspection at the meeting.

5. CONSENT AGENDA. The consent agenda shall contain routine, non-controversial items that require city council action but need little or no deliberation.

The consent agenda shall be given to the city council members prior to each regularly scheduled meeting and shall be comprised of, but not limited to, the following item:

(a) Awarding of bids;

(b) Authorization for the city attorney, city clerk and/or the city manager to perform specific tasks, draft ordinances and/or resolutions, etc.;

(c) Setting public hearing dates and authorizing the advertisement of ordinances;

(d) Appointments to boards and commissions;

(e) Approval of leases and contracts;

(f) Approval of minutes.

The consent agenda shall be placed on the city council agenda as an item of general business.

A motion to approve the consent agenda shall not be debated or discussed. At the request of any individual member of the city council, a citizen and/or a member of the city staff, an item shall be removed from the consent agenda and placed upon the regular agenda for discussion.

The consent agenda shall only be adopted by a unanimous vote of those council members present at the meeting.

6. BROADCASTING OR RECORDING MEETINGS. Any radio or television station is entitled to broadcast all or any part of a council meeting. Any person may photograph, film, tape record or otherwise reproduce any part of the meeting.

The equipment necessary for broadcasting, photographing, filming or recording shall be placed and/or displaced, so as to prevent undue interference with the meeting, particularly while a citizen, a member of council and/or the city staff is making a presentation.

7. PUBLIC ADDRESS TO THE COUNCIL. Citizens desiring to address the council shall be given the opportunity to do so as follows:

(a) Any individual or group who wishes to address the council may make a request to be on the agenda to the city clerk. The mayor and city manager shall determine when preparing the agenda for the meeting whether the matter will be placed on the agenda.

1. Subject to the time limitations set forth in paragraph (c), below, the public shall be allowed to comment on non-procedural matters under consideration by the council prior to a final vote on the matter by the council. Public comment shall generally be taken regarding such matters under consideration by the council during the formal meetings of the council as referenced in Rule. Public comment will not be taken during the "worksession" discussions of the council except in those instances where a final vote of the council is being taken during a worksession. In such instances, public comment shall be allowed in accordance with the time limits set forth hereinafter.

(b) Any person addressing the council shall be limited to a three minute presentation except that any group of at least four persons making a presentation to the council may have a single spokesperson who will be

allowed ten minutes to address the council, formal organizations such as neighborhood associations and public interest groups are encouraged to designate a single spokesperson to present that organization's position. No person who identifies himself or herself as a member of a group will be permitted to address the Council as an individual on the same agenda item. The council will receive written information from any individuals or groups that cannot conclude their presentations within these time limitations.

(c) During at least one"regular" meeting of the council each month, under the "Informal discussion and public comment" section of the agenda, any group or person wishing to address the council on any matter not previously considered during the meeting may do so. For matters coming before council pursuant to this paragraph, and with respect to which the council may not act, the following limitations apply:

(i) No more than three persons (one at a time) may address the council, and no person may take longer than three minutes to complete a presentation.

(ii) In lieu of the limitation set forth in (i) above, a group of at least four persons may elect to designate a spokesperson who may take no longer than ten minutes to complete a presentation.

As used herein, "presentation" means all forms of address, including speaking, use of audio or video materials, and distribution of literature. For presentations that cannot be completed within the limitations of this paragraph, written comments or other information may be delivered to the council through the City Clerk.

(d) Persons addressing the council are expected to observe the decorum of the chamber, to be respectful of the council and the public, to refrain from the use of profanity or foul language, to refrain from personal attacks and commentary on candidates for political office, and to refrain from making disclosures prohibited by the Personnel Privacy Act with respect to any City employee.

(e) The mayor shall be authorized to allow additional comments and time for comments as he or she may deem appropriate for the orderly conduct of business.

(f) Pursuant to Rule 9(b), the mayor may rule out of order any comments made under this part of the agenda if such comments are unruly or repetitive of information previously received by council on the same

subject at the meeting then in session or at previous meetings. The mayor may also rule out of order any comments made during this part of the agenda that are rude, inappropriate, or intended to harass any person or group of people, and is authorized to take reasonable and appropriate measures to ensure compliance with these rules.

7.5 SUPPLEMENTAL RULES AND PROCEDURES FOR PUBLIC HEARINGS AND PUBLIC COMMENT. The time limit applicable to public hearings or public comment periods on any agenda item shall be one hour. This time limit shall be exclusive of staff presentations and any structured council debate. This time limit may be shortened or extended by the mayor, with the concurrence of council.

(a) In addition to the rules set forth in Rule 7 and herein, the mayor may, in consultation with the City Attorney and with the concurrence of council, establish supplemental rules and procedures applicable to particular public hearings or public comment periods in order to facilitate the receipt of relevant information by council, while affording appropriate due process. Without limitation, such rules and procedures may include:

(i) The order of presentation;
(ii) The length of individual or group presentations;
(iii) Recognition of a primary spokesperson or representative to provide information or respond to a particular question;
(iv) The maximum time allotted for the public hearing;
(v) Relevance of information and repetition of information previously received;
(vi) Determining when new information has been presented; and
(vii) Requiring speakers to sign up in advance.

(b) The mayor may, with the concurrence of council, determine when sufficient information has been presented at any public hearing or public comment period, and is ready for action by council.

(c) Any documentary information that is to be used in a public hearing or public comment period shall be furnished in advance to the City Clerk in electronic format or 15 copies thereof. This rule may be waived for good cause.

(d) In order to facilitate the efficient use of time, citizens are encouraged to coordinate their presentations with others who have similar positions, and to designate a spokesperson, where practicable, to speak for the group.

(e) In the absence of the mayor, and subject to compliance with N.C.G.S. 160A-70, the vice mayor or temporary chairman shall be authorized to administer the provisions of this rule and Rule 7.

8. ORDER OF BUSINESS. Items shall be placed on the agenda according to the Order of Business. The Order of Business at each regular meeting shall be as follows:

Proclamation
Consent Agenda
Presentations and Reports
Public Hearings
Unfinished Business
New Business
Informal Discussion and Public Comment

By general consent of the council, items may be considered out of order.

9. OFFICE OF MAYOR. The mayor, in addition to the other powers conferred on him or her by city charter, shall have the rights, privileges, requirements and immunities of a member of the council.

The mayor shall preside at all meetings of the council and shall vote in all cases. In order to address the council, a member must be recognized by the mayor.

The mayor shall have the following powers:

(a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;

(b) To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;

(c) To entertain and answer questions of parliamentary law or procedure;

(d) To call a brief recess at any time;

(e) To adjourn in an emergency.

10. OFFICE OF VICE MAYOR. At the organizational meeting, the council shall elect from among its members a vice mayor to serve in the absence of the mayor. A council member who serves as vice mayor shall vote on all matters. In the mayor's absence,

the council may confer on the vice mayor any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the council may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the vice mayor. When a mayor declares that he or she is no longer incapacitated, and a majority of the council consents, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and the vice mayor are absent from a meeting, the council may elect from among its members a temporary chairman to preside at the meeting.

11. PRESIDING OFFICER WHEN THE MAYOR IS IN ACTIVE DEBATE. Should the mayor become actively engaged in debate on a particular proposal, he or she may designate another council member to preside over the debate. When this occurs, the vice mayor shall be designated as the presiding officer unless he or she is also engaged in active debate, in which case the mayor may call upon another member of the council to preside. The mayor shall resume presiding as soon as action on the matter is concluded.

12. ACTION BY THE COUNCIL. The council shall proceed by motion. Any member may make a motion.

13. SECOND REQUIRED. A motion shall require a second prior to a vote being taken upon the motion.

14. ONE MOTION AT A TIME. A member may make only one motion at a time.

15. SUBSTANTIVE MOTIONS. A substantive motion is out of order while another substantive motion is pending.

16. ADOPTION BY MAJORITY VOTE. Unless otherwise directed by applicable law or these rules, the affirmative vote of a majority of all members of council (four votes) shall be necessary to adopt any ordinance, resolution or vote. A vote to adjourn, to adopt or amend the budget, to go into closed session, or regarding the attendance of absent members may be adopted by a majority of the members present. Adoption of some ordinances may require a greater than majority vote-see Rule 23.

17. DEBATE. The mayor shall state the motion and then open the floor to debate on it. The mayor shall preside over the debate according to the following general principles:

(a) The introducer (the member who makes the motion) is entitled to speak first;

(b) A member who has not spoken on the issue shall be recognized before someone who has already spoken;

(c) To the extent possible, the debate shall alternate between opponents and proponents of the measure.

18. RATIFICATION OF ACTIONS. To the extent permitted by law, the council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

19. PROCEDURAL MOTIONS. In addition to substantive proposals, the following procedural motions, and no other, shall be in order. Unless otherwise noted, each motion is debatable and may be amended.

In order of priority (if applicable), the procedural motions are:

(a) To Adjourn. The motion may be made only at the conclusion of action on a pending substantive matter; it cannot interrupt deliberation of a pending matter. A motion to adjourn (or recess) to a time and place certain shall also comply with the requirements of Rule 2(c).

(b) To Take a Brief Recess.

(c) Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.

(d) To Suspend the Rules. The motion requires for adoption a vote equal to two-thirds of the actual membership of the council, including the mayor, but excluding vacant seats. For a full council of seven (7) members, five (5) votes are required. The council may not suspend provisions of the rules that state requirements imposed by law on the council.

(e) To Divide a Complex Motion and Consider It by Paragraph.

(f) To Defer Consideration. A substantive motion the consideration of which has been deferred expires after 100 days have elapsed following the day of deferral unless a motion to revive consideration is adopted.

(g) Call of the Previous Question. The motion is not in order until there have been at least 20 minutes of debate, and every member has had an opportunity to speak once.

(h) To Postpone (or Continue) a Matter to a Certain Time or Day.

(i) To Refer to a Committee. Sixty days or more after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire council, whether or not the committee has reported the matter to the council.

(j) To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the amended motion has the same effect as rejection of the original motion.

A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last-offered amendment is disposed of by a vote.

(k) To Revive Consideration. The motion is in order at any time within the 100 days after the day of a vote to defer consideration. A substantive motion on which consideration has been deferred expires after 100 days have elapsed following the deferral unless a motion to revive consideration is adopted.

(l) To Reconsider. The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment [or recess] to a time and place certain or at the next succeeding meeting. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.

(m) To Rescind or Repeal. The motion is not in order if rescission or repeal of an action is forbidden by law.

(n) To Prevent Reconsideration for Six Months. The motion is in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the actual membership of the council, excluding vacant seats. If adopted, the restriction imposed by the motion remains in effect for six months or until the next organizational meeting of the council, whichever occurs first.

20. RENEWAL OF MOTION. A motion that is defeated may be renewed at any later meeting unless a motion to prevent reconsideration has been adopted or unless reconsideration is prohibited for a specified period of time by some other provision of

law such as the provisions of the zoning ordinance prohibiting reconsideration of a rezoning request for a period of one year following a denial.

21. WITHDRAWAL OF MOTION. A motion may be withdrawn by the introducer at any time before a vote.

22. VOTING. Every member must vote unless excused by the remaining members according to law. A member who wishes to be excused from voting shall so inform the mayor, who shall take a vote of the remaining members. No member shall be excused from voting except upon matters involving the consideration of his or her own financial interest or official conduct, or on any legislative decision regarding a development regulation adopted pursuant to G.S. 160D which is likely to have a *direct, substantial and readily identifiable financial impact* on the member or on any zoning amendment if the landowner of the property subject to the rezoning or the applicant for an amendment is *a person with whom the member has a close familial, business or other associational relationship.* In all other cases, a failure to vote by a member who is physically present in the council chamber, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

All votes of council shall be conducted in such fashion as to allow the minutes to reflect the vote of each council member. When a roll call vote is taken the order of voting shall be alphabetical by last name of the council members, except for the mayor, who shall vote last.

23. ADOPTION OF ORDINANCES AND RESOLUTIONS. All ordinances and resolutions shall be introduced in the council only in written or printed form. All ordinances, except those relating to appropriations and/or budgets or codifying existing ordinances shall be confined to one subject and the subject shall be expressed in the title. Ordinances related to appropriations shall be confined to that subject. No ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote of at least two-thirds (2/3) of all members of the council, excluding vacant seats. For purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the council. The aforementioned 2/3 majority vote on first vote requirement shall not apply to ordinances regarding a legislative decision for a development regulation (i.e. rezoning, conditional zoning) which may be adopted on the first reading by a simple majority vote.

Members of the public requesting a copy of any ordinance or resolution under consideration by the city council shall be provided with a copy of the ordinance or resolution without charge. Requests by members of the public for an ordinance or resolution to be read in its entirety in a council meeting shall only be complied with upon

a vote of the majority of the council. The person requesting that the ordinance or resolution be read in full shall be provided with a copy of the ordinance or resolution without charge.

24. ADOPTION OF THE BUDGET ORDINANCE. Notwithstanding the provisions of any city charter, general law, or local act:

(a) Any action with respect to the adoption or amendment of the budget ordinance shall require only one reading and may be taken at any regular or special meeting of the council by a simple majority of those present and voting, a quorum being present;

(b) No action taken with respect to the adoption or amendment of the budget ordinance need be published or is subject to any other procedural requirement governing the adoption of ordinances or resolutions by the council; and

(c) The adoption and amendment of the budget ordinance and the levy of taxes in the budget ordinance are not subject to the provisions of any city charter or local act concerning initiative or referendum.

During the period beginning with the submission of the budget to the council and ending with the adoption of the budget ordinance, the council may hold any special meetings that may be necessary to complete its work on the budget ordinance. Except for the notice requirements of the Open Meetings Law, which continue to apply, no provision of law concerning the call of special meetings applies during that period so long as (a) each member of the board has actual notice of each special meeting called for the purpose of considering the budget, and (b) no business other than consideration of the budget is taken up. This rule does not allow, and may not be construed to allow, the holding of closed meetings or executive sessions by the council if it is otherwise prohibited by law from holding such a meeting or session.

The budget shall be presented to the council by June 1 of each year. Prior to adoption of the budget ordinance, the council shall conduct a public hearing for the purpose of receiving public comment upon the proposed budget. Notice of the public hearing shall be published one time at least ten days before the date of the public hearing. The budget ordinance shall require only one reading.

25. CLOSED SESSIONS. The council may hold closed sessions as provided by law. The council shall only commence a closed session after a motion to go into closed session has been made and adopted during an open meeting. The motion shall state the general purpose of the closed session and must be approved by the vote of a majority of those present and voting. The council shall terminate the closed session by a majority vote.

Only those actions specifically authorized by statute may be taken in closed session. A motion to adjourn or recess shall not be in order during a closed session.

26. QUORUM. A majority of the actual membership of the council plus the mayor, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

27. PUBLIC HEARINGS. Public hearings required by law or deemed advisable by the council shall be organized by a special order, adopted by a majority vote, that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing. Unless different rules are established by the council for the conduct of a public hearing, the time restrictions set forth in Rule 7 regarding public address to the council shall apply.

All notice and other requirements of the Open Meetings Law applicable to council meetings shall also apply to public hearings at which a majority of the council is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council is present.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

28. QUORUM AT PUBLIC HEARINGS. A quorum of the council shall be required at all public hearings required by state law. If a quorum is not present at such a hearing, the hearing shall be continued until the next regular council meeting without further advertisement.

29. MINUTES. Full and accurate minutes of the council proceedings shall be kept and shall be open to the inspection of the public, except as otherwise provided in this rule. The results of each vote shall be recorded in the minutes, and on the request of any member of the council, the "aye"s and "no"s upon any question shall be taken.

Full and accurate minutes shall be kept of all actions taken during closed sessions. Minutes and other records of a closed session may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

The city clerk shall endeavor to make recordings of all regular meetings of the council, excluding worksessions. Recordings shall be retrained by the city clerk of a period of one year. Anyone wishing a copy of a verbatim transcript or portion thereof of a council meeting shall make a written request to the city clerk and shall pay a fee as established in the Fees and Charges Manual adopted by the city council.

30. APPOINTMENTS. All appointments made by the council shall be made in open session. The council or a committee of the council may consider (but not make) an appointment to another body in closed session, if it follows the requirements set out in the following paragraph. The council may not consider or fill a vacancy among its own membership except in an open meeting.

If the council or a committee of the council considers an appointment to another body in closed session, the council shall, prior to making the appointment, present at an open meeting a written list of the persons then being considered for the appointment, and on the same day shall make the list available for public inspection in the office of the city clerk. The council shall not make the appointment in such a case before the seventh day after the day on which the list was presented.

The council shall use the following procedure to make appointments to various subordinate boards or offices: The mayor shall open the floor for nominations, whereupon the names of possible appointees may be put forward by the council members. No second shall be required for nominations. The names submitted shall then be debated. When the debate ends, the mayor shall call the roll of the members,

and each member shall cast his or her vote. The voting shall continue until one nominee receives a majority of the votes cast, whereupon he or she shall be appointed. If more than one appointee is to be selected, then each member shall have as many votes in each balloting as there are slots to be filled, and votes from a majority of the members voting shall be required for appointment. During each balloting, a member may cast all of his or her votes or fewer than all of them, but he or she shall not cast more than one vote for a single candidate.

31. COMMITTEES AND BOARDS. The council or the mayor, as appropriate, may establish and appoint members for such temporary and standing committees and boards as are needed to help carry on the work of city government. Any specific provisions of law relating to particular committees and boards shall be followed.

The requirements of the Open Meetings Law shall apply to all committees and boards that either (a) are established by the council, or (b) are comprised of council members.

32. REFERENCE TO ROBERT'S RULES OF ORDER. To the extent not provided for in these rules, and to the extent it does not conflict with North Carolina law or with the spirit of these rules, the council shall refer to Robert's Rules of Order, Revised, to answer unresolved procedural questions.

33. SIGNS IN COUNCIL CHAMBERS. Signs, banners, placards, pennants and related items shall not be displayed in the city council chamber during city council meetings. Provided, however, that this provision shall not limit the use of such visual aids during a presentation made in the due course of business.

34. PUBLIC DECORUM IN COUNCIL CHAMBERS. Members of the public who are present during council meetings shall observe the same rules of decorum as those who are addressing the council, and shall abide by the restrictions of Rule 7.4(e). Members of the public shall follow the instructions of the Mayor, or any other presiding officer or official, and shall refrain from impeding or interrupting the conduct of business. This shall include, but not be limited to, clapping, yelling, or other audial expressions of approval or disapproval of comments made during the meeting. Failure to abide by these rules may subject the offender to removal from the council chamber.

35. ASSISTANCE TO THE DISABLED. The city is committed to complying with the 1990 Americans With Disabilities Act, and in that spirit, all persons with disabilities that need auxiliary aid, must contact the city clerk at (828) 259-5601; TDD number (828) 259-5548 at least twenty-four hours prior to the meeting.

36.

RESOLUTION NO. 20-147

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE JOHN R. MCADAMS COMPANY, INC. FOR THE CARTER-ANN STORMWATER IMPROVEMENTS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, qualifications were solicited for the Carter-Ann Stormwater Improvement Project, City of Asheville Project #298-S1905; and

WHEREAS, the qualifications were reviewed by the Public Works Department and The John R. McAdams Company, Inc. was the most qualified firm for the project; and

WHEREAS, The John R. McAdams Company, Inc. provided professional services for Phase 1 of this project and Public Works desires for them to continue to provide professional services for Phase 2 of this project in order to complete the design and take the project through construction; and

WHEREAS, the additional amount needed for the contract amendment is $182,970 and the monies have been budgeted in the Stormwater Capital Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract amendment in the amount of $182,970 with The John R. McAdams Company, Inc. and to enter into change orders to this contract phase, if needed, not to exceed a contingency amount of $27,445.50 (15%) for a total Phase 2 budget amount of $210,415.50 resulting in a total revised professional services budget amount of $299,325.50 for the Carter-Ann Stormwater Improvements Project.

Read, approved, and adopted this the 25th day of August 2020.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-148

RESOLUTION AUTHORIZING THE PROCUREMENT OF KEY BOX ACCESS EQUIPMENT AND SECURITY OF COMMERCIAL BUILDINGS FOR THE ASHEVILLE FIRE DEPARTMENT FROM SOLE SOURCE VENDOR KNOX, COMPANY

WHEREAS, N.C.G.S. 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129 (e) states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(ii) a needed product is available from only one source or supply"; and

WHEREAS, City of Asheville's Code of Ordinances Chapter 6, Fire Prevention Protection, Section 6.2, Amendments 506.1 reads "where required, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type, listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official."; and

WHEREAS, when called to a scene, these key boxes allow Asheville Fire Department responders to gain rapid and entry into a commercial building without causing property damage; and

WHEREAS, for over thirty years the brand of key box used by all commercial buildings to comply with Chapter 6 of the City's ordinance is Knoxbox by Knox, Company, and all Asheville Fire Department vehicles and apparatus have a Knoxbox key box installed inside; and

WHEREAS, Knox, Company has been identified as the "sole source" for the Knoxbox key box and its accompanying access and security; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby authorizes the procurement of key boxes and related equipment as permitted under N.C.G.S. 143-129 (e)(6) from sole source vendor Knox, Company.

Read, approved and adopted this the 25th day of August, 2020.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-149

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, the term of DeWayne Barton, as a member of the African American Heritage Commission, will expire on July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. DeWayne Barton be and he is hereby reappointed as a member to the African American Heritage Commission, to serve an additional three-year term, term to expire July 1, 2023, or until his successor has been appointed.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 20-150

RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

WHEREAS, Ms. Stephanie Brown, as a member of the Greater Asheville Regional Airport Authority, has resigned, thus leaving an unexpired term until June 30, 2020; and

WHEREAS, House Bill 1154 was passed by the N.C. General Assembly to stagger the terms of some members of the Airport Board. This legislation affects the term of the City Council appointment of the vacancy by Ms. Brown. This legislation changes the term of this new Board member to a three-year term beginning on July 1, 2020, and then upon expiration of this term, the next term will be for a term of four years. The reason for this legislation is to help stagger the terms so that there are no more than 2 members rolling off the Airport Board on any given year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Susan Russo Klein be and she is hereby appointed as a member of the Greater Asheville Regional Airport Authority to serve the unexpired term of Ms. Brown, term to expire June 30, 2020, and then a full three-year term, term to expire June 30, 2023, or until her successor has been appointed.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-151

RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTEE

WHEREAS, on December 19, 2017, City Council adopted Resolution No. 17-277 establishing an Audit Committee; and

WHEREAS, the Audit Committee shall be composed of five members, one of which will be a City Council member; and

WHEREAS, the terms of Scott Farkas (CPA seat) and W. Scott Powell, as members on the Audit Committee, expired on May 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mr. Scott Farkas be and he is hereby reappointed as a member of the Audit Committee (CPA seat) to serve a three-year term, term to expire May 1, 2023, or until his success has been appointed.

Mr. W. Scott Powell be and he is hereby reappointed as a member of the Audit Committee to serve a three-year term, term to expire May 1, 2023, or until his success has been appointed.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 20-152

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, Mr. Daniel Summerlin, as a Regular member of the Board of Adjustment, pass away, thus leaving an unexpired term until January 21, 2023; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Carter Webb be and he is hereby appointed as a Regular member of the Board of Adjustment to serve the unexpired term of Mr. Summerlin, term to expire January 21, 2023; or until his successor has been appointed.

David Angelus be and he is hereby appointed as an Alternate member of the Board of Adjustment to serve the unexpired term of Mr. Webb, term to expire January 21, 2021, and then a full three-year term, term to expire January 21, 2023, or until his successor has been appointed.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-153

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSIONS

WHEREAS, Craig Cline and Gordon McKinney have resigned as members of the Asheville-Buncombe Historic Resources Commission, thus leaving two unexpired terms until July 1, 2022; and

WHEREAS, the terms of Emily Spreng and Will Hornaday, as members of the Asheville-Buncombe Historic Resources Commission, expire on July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Emily Spreng be and she is hereby reappointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve an additional three-year term, term to expire July 1, 2023, or until her successor has been appointed.

Will Hornaday be and he is hereby reappointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve a three-year term, term to expire July 1, 2023, or until his successor has been appointed.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-154

RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

WHEREAS, Nieva Arana and Bettie Council have resigned as members of the Human Relations Commission, thus leaving two unexpired terms until June 1, 2021; and

WHEREAS, Pearl De'Bellott has resigned as a member of the Human Relations Commission, whose term expired June 1, 2020; and

WHEREAS, the terms of Mychal Bacoate, Patrick Conant, Ivan Melchor, Tiffany De'Bellott, Davidson L. Jones and Chris Weinbrenner, as members of the Human Relations Commission, expired on June 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Raynette Waters be and she is hereby appointed to serve as a member of the Human Relations Commission, to serve the unexpired term of Ms. Arana, term to expire June 1, 2021, or until her successor has been appointed.

ZaKiya Bell-Rogers be and she is hereby appointed to serve as a member of the Human Relations Commission, to serve the unexpired term of Ms. Council, term to expire June 1, 2021, or until her successor has been appointed.

Ivan Melchor be and he is hereby reappointed to serve as a member of the Human Relations Commission, to serve an additional two-year term, term to expire June 1, 2022, or until his successor has been appointed.

Tiffany DeBellott be and she is hereby reappointed to serve as a member of the Human Relations Commission, to serve an additional two-year term, term to expire June 1, 2022, or until her successor has been appointed.

Davidson Jones be and he is hereby reappointed to serve as a member of the Human Relations Commission, to serve an additional two-year term, term to expire June 1, 2022, or until his successor has been appointed.

Chris Winebrenner be and he is hereby reappointed to serve as a member of the Human Relations Commission, to serve an additional two-year term, term to expire June 1, 2022, or until his successor has been appointed.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-155

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA RELATING TO NORTH CAROLINA HOUSE BILL 1200, FORECLOSURE GRANTS/RENTAL AND UTILITY ASSISTANCE

WHEREAS, on March 12, 2020, the County of Buncombe declared a state of emergency in response to the global spread of COVID-19; and

WHEREAS, on March 12, 2020, the City of Asheville declared a State of Emergency based on the public health emergency posed by Covid-19; and

WHEREAS, there has been significant unemployment as a result of the pandemic which has resulted in an 11.5% unemployment rate in City of Asheville in June of 2020, which equates to 5,911 unemployed persons; and

WHEREAS, there has been significant unemployment as a result of the pandemic which has resulted in an 9.8% unemployment rate in County of Buncombe in June of 2020, which equates to 13,340 unemployed persons; and

WHEREAS, without the $600 federal unemployment enhancement that expired July 31, 2020, the average unemployment benefit in North Carolina is $277 per week; and

WHEREAS, there are likely to be more eviction filings due to the expiration of the $600 federal unemployment enhancement and expiration of the CARES Act moratorium on evictions; and

WHEREAS, HUD finds the Fair Market Rent for a two bedroom apartment in Buncombe County is $1255, which a Buncombe County resident receiving $227 per week or $1108 a month cannot afford; and

WHEREAS, federal legislation was intended to help individuals and housing situations with various support, but there are serious issues with evictions from rental residences and North Carolina no longer has a moratorium on such actions; and

WHEREAS, HUD provided the City of Asheville with $615,934 in response to COVID-19 of which approximately $400,000 will be allocated for rental assistance and homelessness prevention which will help at least 100 households but not many more; and

WHEREAS, Governor Roy Cooper signed Executive Order No. 142 on May 30, 2020, to extend the prohibition of utility shut-offs and implement a moratorium on evictions to help aid North Carolinians that need relief to help make ends meet during the pandemic and which expired July 31, 2020; and

WHEREAS, Pisgah Legal Services estimates residents with existing eviction filings owe $250,000 in back rents; and

WHEREAS, there are limited defenses for non-payment of rent in North Carolina and residents that can not pay their rent will likely be evicted; and

WHEREAS, none of the dollars allocated for rental assistance have become available, yet all protective programs have expired; and

WHEREAS, The highest known predictor of homelessness is previous homelessness; and

WHEREAS, North Carolina House Bill 1200 was originally written to allocate $100M for rental assistance in North Carolina and $100M for mortgage assistance in North Carolina; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council of Asheville urges legislators to restore North Carolina House Bill 1200 to its original intent of providing $100 million for rental assistance in North Carolina and $100 million in mortgage assistance in North Carolina and to pass this bill upon reconvening on September 2.
2. The City Council of Asheville urges Governor Cooper to reenact a statewide moratorium on eviction actions on residential rental property and a moratorium on the assessment of late fees on rental payments, as well as reporting such situations to a credit bureau or debt collection agency.
3. The City Council of Asheville urges landlords of residential property within the City currently pursuing an eviction action to voluntarily dismiss such action until the unemployment levels fall back to pre COVID-19 figures.
4. The City Council of Asheville urges landlords of residential property within the City to not pursue an eviction action nor charge or assess any late payment fees against the tenant until the unemployment levels fall back to pre COVID-19 figures.

Read, approved and adopted this 25th day of August, 2020.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 20-156

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CDM SMITH FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE COMPLETION OF AN ARC FLASH HAZARD ANALYSIS STUDY FOR THE CITY OF ASHEVILLE WATER RESOURCES DEPARTMENT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, CDM Smith was selected by Staff via a Request for Qualifications process to perform engineering services related to the Arc Flash Hazard Analysis Study; and

WHEREAS, the use of CDM Smith will utilize the most qualified firm to ensure timely completion of an Arc Flash Hazard Analysis Study in accordance with the latest IEEE and/or NFPA standards

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the contract with CDM Smith, for professional services required to perform an Arc Flash Hazard Analysis Study for an amount not to exceed $289,780.

Read, approved and adopted this 8th day of September, 2020.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-157

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AMENDED SERVICES CONTRACT WITH GRIFFIN WASTE FOR PORTABLE TOILET AND HAND WASHING STATION RENTAL AND MAINTENANCE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville requires portable restrooms and handwashing stations for public use as an emergency health response during the COVID-19 pandemic; and

WHEREAS, Griffin Waste Services was the only vendor identified to carry out the required scope of work; and

WHEREAS, Griffin Waste Services shall provide all labor, materials, and supplies for the scope of work; and

WHEREAS, the amount estimated to fund the scope of work through December 2020 is $154,000, and funding for the contract is coming from the State's Coronavirus Relief Fund (CRF);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment with Griffin Waste Services in the amount of $154,000, for continued rental and maintenance of portable toilets and handwashing stations.

Read, approved and adopted this the 8th day of September 2020.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-158

RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

WHEREAS, the terms of Sandra Kilgore, Laura Berner Hudson and Joe Archibald, as members on the Planning & Zoning Commission, expired on August 14, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

(1) Ms. Sandra Kilgore is hereby reappointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2023, or until her successor has been appointed.

(2) Mr. Joe Archibald is hereby reappointed as a member of the Planning & Zoning Commission, to serve an additional three year term, term to expire August 14, 2023, or until his successor has been appointed.

(3) Kimberly Levi, Asheville, N.C., be and she is hereby appointed as a member of the Planning & Zoning Commission, to serve a three year term, term to expire August 14, 2023, or until her successor has been appointed.

Read, approved and adopted this 8th day of September, 2020.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-159

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the term of Andrew Celwyn, as a member of the Buncombe County Tourism Development Authority, (an individual actively involved in the tourist business who has participated in tourism promotion and does not own or operate hotels, motels, or other taxable tourist accommodations) expired on August 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Andrew Celwyn, Asheville, N.C., be and he is hereby reappointed, as a member of the Buncombe County Tourism Development Authority (an individual actively involved in the tourist business who has participated in tourism promotion and does not own or operate hotels, motels, or other taxable tourist accommodations), to serve an additional three year term, term to expire August 30, 2023, or until his successor has been appointed.

Read, approved and adopted this 8th day of September, 2020.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-160

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CDM SMITH INC. TO INCREASE THE WATER SYSTEM DISTRIBUTION PROJECT 2 – PROFESSIONAL SERVICES CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, on February 27, 2018 a resolution was passed for the City Manager to enter into a contract with CDM Smith Inc, for the Water System Distribution Project 2; and

WHEREAS, it has been determined that additional professional services are needed in order to meet the project objectives and resolve additional issues within the water system; and

WHEREAS, a change order in the amount of $699,514 is needed to increase the professional services contract for CDM Smith Inc, from a total in the amount of $884,124 to $1,583,638 for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order with CDM Smith Inc. in the amount $699,514.00 to increase the Water System Distribution Project 2 – Professional Services Contract from a total in the amount of $884,124 to $1,583,638.

Read, approved, and adopted this 22nd day of September 2020.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

436

RESOLUTION NO. 20-161

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH T&K UTILITIES, INC., FOR THE WATER SYSTEM NEIGHBORHOOD ENHANCEMENT PROJECT AREA 5 PART 1 PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Water System Neighborhood Enhancement Project Area 5 Part 1 Project; and

WHEREAS, T&K Utilities, Inc., was the lowest responsible, responsive bidder for the Project, in the amount of $3,810,200.00; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 12,100 LF of 6-inch, 5,000 LF of 8-inch, and 1,200 LF of 12-inch ductile iron water line along with related appurtenances and materials required in order to complete the work located along various streets within the Muirfield Subdivision, Mills Gap Rd, Swannanoa River Rd, S. Tunnel Rd, Brookwood Rd, Brevard, Hazel Mill Rd and Joe Jenkins Rd. I; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with T&K Utilities, Inc., for the Water System Neighborhood Enhancement Project Area 5 Part 1 Project for the bid amount of $3,810,200 and further authorizing the City Manager to execute any contract amendments or change orders up to 10% ($381,020) above the bid amount.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-162

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT FOR AUTOMATIC AID SERVICE BETWEEN THE CITY OF ASHEVILLE AND REEM'S CREEK FIRE DEPARTMENT

WHEREAS, the City of Asheville has authority to contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in; and

WHEREAS, the City of Asheville has a need to strengthen its standard of fire response cover in Beaverdam Valley and provide for automatic aid response, and

WHEREAS, the City Council approved a resolution authorizing the mayor to sign an automatic aid service agreement with Reem's Creek Fire Department on August 13, 2013, and

WHEREAS, the agreement is up for its annual renewal at a cost of $91,733.36, and

WHEREAS, the City wishes to continue the automatic aid agreement with Reem's Creek Fire District for response within the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign for the renewal agreement for automatic aid service between the City of Asheville and Reem's Creek Fire Department at a cost of $91,733.36 in FY20-21.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-163

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY DIVISION OF EMERGENCY MANAGEMENT TO PROVIDE REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAM - 6 ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 166-A to enter into mutual aid agreements with the State of North Carolina; and

WHEREAS, the City entered into a Regional Hazardous Materials Emergency Response Agreement (herein "Agreement") with the State of North Carolina on November 1, 2020; and

WHEREAS, funds are available from the State of North Carolina through the Department of Public Safety Division of Emergency Management for provision of Regional Hazardous Materials Emergency and Response; and

WHEREAS, the State of North Carolina agrees to provide specialized equipment and materials for use by the City of Asheville; and

WHEREAS, the City of Asheville has the staff, expertise and commitment to provide regional hazardous materials emergency response services; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to adopt the contract for the Hazardous Materials Regional Response Team 6 from North Carolina Department of Public Safety Division of Emergency Management , and further authorized to accept the budget amendment associated with the acceptance of the contract.

Read, approved and adopted this the 22nd day of September, 2020.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-164

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA SPECIALITIES CONSTRUCTION, LLC. FOR THE FIRE STATION #4 RENOVATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Fire Station #4 Renovation, City of Asheville Project #F2004; and

WHEREAS, the Carolina Specialties Construction, LLC. of Hendersonville, NC was the lowest responsible bidder for the project; and

WHEREAS, the Carolina Specialties Construction, LLC. shall provide all labor, materials, and equipment for the renovation of Asheville Fire Station #4; and

WHEREAS, the amount of the bid is $524,516, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Carolina Specialties Construction, LLC. in the amount of $524,516, for the Asheville Fire Station #4 project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $68,187 (13%).

Read, approved, and adopted this the 22nd day of September, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

440

RESOLUTION NO. 20-165

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR ADVANCED METERING INFRASTRUCTURE (AMI) PROCUREMENT SERVICES

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, in Fiscal Year 18/19 the City of Asheville formed a Customer Metering Task Force which completed a Customer Metering Strategic Plan; and

WHEREAS, the Customer Metering Strategic Plan identified the most fiscally and environmentally sound options for updating its aged metering and reading infrastructure; and

WHEREAS, an agreement in the amount of $175,520 is needed to develop, facilitate and complete the RFP process for selection of a new AMI system and third-party contract installer;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute an agreement in the amount of $175,520 for Advanced Metering Infrastructure (AMI) Procurement Services.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-166

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR THE GHSP BIKESAFE 2021, YEAR 2 GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, The North Carolina Governor's Highway Safety Program (NHAP) has invited the City of Asheville to apply for funds from the NHSP BikeSafe 2021 program in the amount of $5,000 for law enforcement travel and training costs; and

WHEREAS, the grant will assist the Asheville Police Department in the promotion of motorcycle rider safety;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to apply for and accept $5,000 in funding for the NHSP BikeSafe 2021, Year 2 grant and enter into any necessary agreements.

Read, approved and adopted this the 22nd day of September, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-167

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, the Federal Emergency Management Agency has awarded the City of Asheville the amount of $42,884 through the Fire Prevention & Safety Grant for specialized PPE, reliable lighting, documentation tools, and excavation tools; and

WHEREAS, the City of Asheville has a required match of $2,145 in order to accept grant funding;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept funds and enter into an agreement with the Federal Emergency Management Agency in the amount of $45,029.

Read, approved, and adopted this 22nd day of September. 2020

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 20-168

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES CONTRACT WITH SYNERGY SPORTS CHARLOTTE LLC FOR THE PROCUREMENT AND INSTALLATION OF PLAYGROUND MULCH.

WHEREAS, N.C.G.S. 143-129 details procedures for the letting of public contracts; and

WHEREAS, Synergy Sports Charlotte LLC has been identified as the lowest, responsive, responsible bidder for the purchase and installation of playground mulch; and

WHEREAS, funds from the previously approved 2021 Asset Management Contracted Services are available for the procurement and installation of mulch at playgrounds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby authorizes the City Manager to enter into a contract with Synergy Sports Charlotte, LLC in the amount of $132,930.00, and further authorizes change orders up to the contingency amount of $13,293 (10%) for playground mulch and installation.

Read, approved and adopted this the 22th day of September 2020.

Magdalen Bruleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

RESOLUTION NO. 20-169

RESOLUTION APPROVING THE HOUSING TRUST FUND LOAN AWARD REQUESTED BY THE JUNA GROUP INC. TO ALLOW THEM TO DEVELOP 11 AFFORDABLE HOMES FOR HOMEOWNERSHIP AT ALICE CLEMENT LANE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, on September 2, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, The Juna Group Inc. (developer) has requested a $1,100,000 Housing Trust Fund (HTF) loan for the development of eleven (11) affordable homes for homeownership, which are to be made available for purchase to individuals and families at or below 100% of Area Median Income (AMI), and

WHEREAS, the HTF loan is to be structured as a fund to remain available to be drawn upon as needed during construction of the 11 units, with the 1.1 acre of land at "Alice Clement Lane", currently known as Shakedown Street, (PIN #9657-88-4092), to be used as collateral, valued at $770,000; and

WHEREAS, the HTF loan shall accrue interest at 1% annually, with no monthly payments due to until the full payment is due, within 2 years of the date of the HTF loan; and

WHEREAS, the homes sold will come with a deed restriction of affordability for 10 years, meaning if the home is sold within that time period, the owner will sell it to another income qualified individual or family at or below 100% AMI; and

WHEREAS, the City agrees that if a qualified individual or family at or below 100% AMI can not be found within 3 months of Certificate of Occupancy, the developer can move to find an individual or family at or below 120% of AMI to purchase the home; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A Housing Trust Fund loan in the amount of $1,100,000, amortizing at 1.0% annual interest for a term not to exceed two (2) years to The Juna Group Inc. for the development of eleven (11) affordable homes for homeownership located at Alice Clement Lane (currently known as Shakedown Street, PIN #9657-88-4092) within the limits of the City of Asheville, to be made immediately available following loan closing. The eleven (11) homes are to be restricted for purchase to individuals and households earning 100% or less of the Area Median Income (AMI) with an affordability period of 10 years of affordability at 100% AMI, enforced by a deed covenant in a form acceptable to the City Attorney, with an option to go up to 120% of AMI if an income qualified buyer for the home can not be found within 3 months of the home's Certificate of Occupancy (COO). Funds are to be repaid in full with interest within 2 years of the date of the HTF loan agreement with no monthly payments. The City Manager is hereby authorized to negotiate and execute any and all documents necessary to give effect to this approval.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-170

RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, the terms of Dewanna Little, Parker Smith, Randall Barnett, Barry Bialik and Leslie Hennessee, as members on the Affordable Housing Advisory Committee, expired on September 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Dewanna Little is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve an additional three-year term, term to expire September 1, 2023, or until her successor has been appointed.

Parker Smith is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve an additional three-year term, term to expire September 1, 2023, or until his successor has been appointed.

Barry Bialik is hereby reappointed as a member of the Affordable Housing Advisory Committee, to serve an additional three-year term, term to expire September 1, 2023, or until his successor has been appointed.

Brian Methvin is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve a three-year term, term to expire September 1, 2023, or until his successor has been appointed.

Scott Adams is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve a three-year term, term to expire September 1, 2023, or until his successor has been appointed.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Bowlesson
CITY CLERK

Esther E Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-171

RESOLUTION APPOINTING MEMBERS TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, Kaaren McNulty (South Asheville representative) has resigned as a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2020; and

WHEREAS, Shana McDowell (at-large representative) has resigned as a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2022; and

WHEREAS, the terms of Blake Marcus (north representative) and Jerry Kivett (central representative) expired on June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Damita Jo Wilder be and she is hereby appointed as a member of the Citizens-Police Advisory Committee (South Asheville representative) to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed.

Michael Beech be and he is hereby appointed as a member of the Citizens-Police Advisory Committee (at-large representative) to serve the unexpired term of Ms. McDowell, term to expire June 30, 2022, or until his successor has been appointed.

Blake Marcus be and he is hereby reappointed as a member of the Citizens-Police Advisory Committee (north representative) to serve a three-year term, term to expire June 30, 2023, or until his successor has been appointed.

Barbara Wright be and she is hereby appointed as a member of the Citizens-Police Advisory Committee (central representative) to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-172

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of Corey Atkins and Yvonne Cook-Riley, as members of the Civic Center Commission, expired on June 30, 2020; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Corey Atkins is hereby reappointed as a member to the Civic Center Commission to serve an additional three-year term, term to expire June 30, 2023, or until his successor has been appointed.

Nicole Lee is hereby appointed as a member to the Civic Center Commission to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-173

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSIONS

WHEREAS, Craig Cline and Gordon McKinney have resigned as members of the Asheville-Buncombe Historic Resources Commission, thus leaving two unexpired terms until July 1, 2022; and

WHEREAS, Ed Flowers has resigned as a member of the Asheville-Buncombe Historic Resources Commission, thus leaving an unexpired term until July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

James Vaughn be and he is hereby appointed as a member of the Asheville- Buncombe Historic Resources Commission, to serve the unexpired term of Mr. Cline, term to expire July 1, 2022, or until his successor has been appointed.

Sara Gardner be and she is hereby appointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Mr. McKinney, term to expire July 1, 2022, or until her successor has been appointed.

Maggie Brousaides be and she is hereby appointed as a member of the Asheville-Buncombe Historic Resources Commission, to serve the unexpired term of Mr. Flowers, term to expire July 1, 2021, or until her successor has been appointed.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Bousleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bousleson
City Clerk

RESOLUTION NO. 20-174

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, the terms of Jasmine Washington, Andrew Fletcher, Katie Cornell, Valeria Watson, Pete Perez and Jay Fields, as members on the Public Art & Cultural Commission, expired on June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Jasmine Washington is hereby reappointed as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed.

Andrew Fletcher is hereby reappointed as a member of the Public Art & Cultural Commission, to serve an additional three-year term, term to expire June 30, 2023, or until his successor has been appointed.

Katie Cornell is hereby reappointed as a member of the Public Art & Cultural Commission, to serve an additional three-year term, term to expire June 30, 2023, or until her successor has been appointed.

Valeria Watson is hereby reappointed as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed.

Pete Perez is hereby reappointed as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2023, or until his successor has been appointed.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Bulleson
CITY CLERK

Esther E Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

450

RESOLUTION NO. 20-175

RESOLUTION APPOINTING A MEMBER TO THE WNC REGIONAL AIR QUALITY BOARD

WHEREAS, the term of Dean Kahl, as a member of the WNC Regional Air Quality Board, expired on July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Evan Couzzo is hereby appointed as a member of the WNC Regional Air Quality Board to serve a six-year term, term to expire July 1, 2026, or until his successor has been appointed.

Read, approved and adopted this 22nd day of September, 2020.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 20-176

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE URBAN SUSTAINABILITY DIRECTORS NETWORK FOR THE PURPOSE OF ADDRESSING THE CITY'S CLIMATE EMERGENCY RESOLUTION THROUGH THE CLIMATE JUSTICE INITIATIVE

WHEREAS, pursuant to N.C.G.S. § 160A - 240.1 a city is authorized to acquire funds by grant and other methods; and

WHEREAS, the City of Asheville is committed to addressing climate emergency and efforts to restore a safe climate ; and

WHEREAS, the City of Asheville has an opportunity to support the City's Climate Justice Initiative and support Black, Indiginous, People of Color (BIPOC) frontline community members facing climate inequities; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept grant funding of $15,000 from the Urban Sustainability Directors Network to support implementation of the City's Climate Justice Initiative though the Climate Emergency Resolution, and execute all documents necessary to give effect to this resolution.

Read, approved, and adopted this the 13th day of October 2020.

Magdalen Burleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

City Clerk

Magdalen Burleson
City Clerk

452

RESOLUTION NO. 20-177

RESOLUTION AUTHORIZING AN AMENDMENT TO THE EXISTING LICENSE AGREEMENT BETWEEN BELL ATLANTIC MOBILE SYSTEMS LLC DBA VERIZON WIRELESS AND THE CITY OF ASHEVILLE THE CELL TOWER AT 57 CRESTWOOD DRIVE

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for communication purposes upon such terms and conditions as the council sees fit, for periods of up to 25 years; and

WHEREAS, the City of Asheville is the owner of real property located at 57 Crestwood Drive in Arden, NC; and

WHEREAS, Bell Atlantic Mobile Systems LLC, dba Verizon Wireless, a telecommunications company, has requested to extend their license agreement for two more years while transitioning to a new site related equipment near the property at 57 Crestwood Drive in Arden, NC under the same terms and conditions of the existing agreement; and

WHEREAS, the City Council of the City of Asheville proposes to accept/approve the license agreement and the aforementioned terms,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between Bell Atlantic Mobile Systems LLC, dba Verizon Wireless and the City of Asheville for property located at 57 Crestwood Drive in Arden, NC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 13th day of October, 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-178

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONTRACT WITH BROWN AND CALDWELL FOR PROFESSIONAL SERVICES ASSOCIATED WITH EMERGENCY CLEARWELL REPAIRS ON THE NORTH FORK WATER TREATMENT PLANT CLEARWELL AND GEOTECHNICAL TESTING OF THE BULK STORAGE AREA

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Brown and Caldwell was one of three firms selected by Staff via a qualifications based process to perform on-call professional services for Water Treatment Plant Projects; and

WHEREAS, the City of Asheville entered into a Master Agreement with Brown and Caldwell, on June 8, 2015 and renewed the Master Agreement on April19, 2018 for On-Call Professional Services for the Water Treatment Plant Projects.

WHEREAS, the professional services for the repairs to the North ForkWater Treatment Plant 5 million gallon water storage tank baffle curtains and geotechnical testing of the bulk storage area will be a subcontract under said Master Agreement; and

WHEREAS, the use of Brown and Caldwell, will utilize the most qualified firm to ensure timely completion and fulfill compliance with scope of services for the repairs to the North ForkWater Treatment Plant 5 million gallon water storage tank baffle curtains and geotechnical testing of the bulk storage area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the change order to the contract with Brown and Caldwell, for professional services required to make repairs to the North Fork Water Treatment Plant 5 million gallon water storage tank baffle curtains and geotechnical testing of the bulk storage area, additional amount of $346,500 and a total contract amount not to exceed $819,500.

Read, approved, and adopted this 13th day of October 2020.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-179

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH 120Water FOR PROFESSIONAL SERVICES ASSOCIATED WITH LEAD EDUCATION AND PREVENTION PROGRAM.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, 120Water was one of three firms selected by Staff via a qualifications based process to perform professional services for Lead Education and Prevention Program; and

WHEREAS, the use of 120Water, will utilize the most qualified firm to ensure timely completion and fulfill compliance with scope of services for the development and implementation of the Lead Education and Prevention Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a three year service contract, with the option to renew for an additional two years, with 120Water, for professional services required for the development and implementation of the Lead Education and Prevention Program an amount of $446,648 with a contingency of $44,664.80 for a total project cost not to exceed $491,312.80.

Read, approved, and adopted this 13th day of October 2020.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-180

RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN A STORMWATER EASEMENT OVER REAL PROPERTY LOCATED AT 2 SPRINGDALE ROAD

WHEREAS, pursuant to N.C.G.S. § 40A-3, the City of Asheville has authority to obtain interests in real property through the exercise of eminent domain; and

WHEREAS, the City plans to construct improvements to the stormwater system in the Kenilworth area of Asheville; and

WHEREAS, the City's planned stormwater improvements require that it obtain a stormwater easement across certain real property shown as lots 12 and 13 of Block K on a plat recorded at Plat Book 154, Page 109A in the office of the Register of Deeds for Buncombe County, and addressed as 2 Springdale Road; and

WHEREAS, the owner of 2 Springdale Road, Regina Tate, has not responded to the City's repeated attempts to contact her regarding the needed easement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Attorney, on behalf of the City of Asheville, is hereby authorized to condemn a stormwater easement over real property located at 2 Springdale Road.

Read, approved, and adopted this 13th day of October 2020.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-181

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A RENEWAL TO THE EXISTING PARKING SERVICES DATA ANALYTICS CONTRACT BETWEEN THE CITY OF ASHEVILLE AND SMARKING, INC.

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, The City of Asheville entered into a contract with Smarking, Inc. during November 2018 at a total contract value of $29,500 for real-time data aggregation and predictive data analytics services; and

WHEREAS, the original contract included two, one-year renewal terms; and

WHEREAS, the first renewal term was executed with an effective date during November 2019 at a contract value of $33,175 which increased the total contract value to $62,675;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to renew contract # 91900266 with Smarking, Inc. at a contract value of $35,260 which increases the total value of the contract to $97,935 for real-time data aggregation and predictive data analytics service.

Read, approved and adopted this the 13th day of October, 2020.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 20-182

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT OF WAY KNOWN AS GAYLE ST

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of unopened right of way known as Gayle St; and

WHEREAS, City Council on the 25th day of August, 2020, adopted a Resolution of Intent to permanently close a portion of unopened right of way known as Gayle St, and ordering a public hearing on the question of the closing for the 22nd day of September, 2020, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along Gayle St; and

WHEREAS, the City Council held a public hearing on the closure on September 22, 2020, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes a portion of an unopened right of way known as Gayle St, described as:

Beginning at a #5 pin located in the northern most point of Lot 22, as described in Plat Book 32, Page 103, Buncombe County Registry; thence North 41°58'43" E 60 feet to a #4 pin; thence on a curve to the right with a radius of 47.71', with an arc length of 90.05' and chord length of 77.27", bearing N 06°18'56" E, delta angle 108°08'12" to a point; thence North 35°29'32" W 60.22' to a #4 pin; thence on a curve to the left with a radius of 107.52', with an arc length of 197.66' and chord length of 170.98', bearing S 04°35'09" W, delta angle 105°08'12" to the point of beginning. Being that .199 Acre tract described as "Area of R/W to be combined with PIN:9627-22-9286" shown on the survey entitled "Recombination Survey For: James S. Parris and Carson K. Dellinger", by WNC Surveying & Mapping, Job #200202 dated April 9, 2020.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 13rd day of October, 2020 .

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 20- 183

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CONTRACTS WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA, RED ROOF INN, INC. AND AXIS SECURITY TO SUSTAIN OPERATIONS OF A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the community's existing emergency homeless shelters have been in isolation status, unable to admit new clients, the potential duration of the COVID-19 pandemic remains unknown, and there are persons in the community currently experiencing unsheltered homeless who are at grave risk for contracting COVID-19 because of age and/or underlying chronic health conditions; and

WHEREAS, the City of Asheville has previously executed contracts with Homeward Bound of Western North Carolina, Red Roof Inn, and Axis Security for operations of a non-congregate emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the parties have been successfully providing services as agreed; and

WHEREAS, the parties have agreed to continue these services essential operations services for an additional 90 days as needed; and

WHEREAS, the existing agreements with the parties provide for extensions on mutual agreement between the parties; and

WHEREAS, the incidence of confirmed COVID-19 cases continues to rise and poses grave risk to persons experiencing unsheltered homelessness who have chronic health concerns;

WHEREAS, in order to avoid in lapse in service, it is necessary to execute an contract amendments to extend the duration of existing services contracts;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to execute contract amendments to the existing Services Contract with Homeward Bound of Western North Carolina, Memorandum of Understanding with Red Roof Inn, Inc. and Services Contract with Axis Security to extend the existing shelter operations for up to 90 days commencing November 9, 2020 through February 8, 2021 for the following amounts:

Homeward Bound of Western North Carolina	$150,000
Axis Security	$256,128
Red Roof Inn	$274,536

Read, approved, and adopted this 27th day of October, 2020.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

460

RESOLUTION NO. 20-184

RESOLUTION DIRECTING THE CITY MANAGER TO SUSPEND THE SALE OR CHANGE OF ZONING USE OF ANY CITY PROPERTY ACQUIRED THROUGH URBAN RENEWAL UNTIL FURTHER POLICY DIRECTION HAS BEEN REVIEWED

WHEREAS, on July 14, 2020, the Asheville City Council adopted a resolution supporting community reparations for Black Asheville that acknowledges and seeks to make amends for the City's role in the urban renewal programs carried out in Asheville; and

WHEREAS, the City of Asheville owns certain real properties that were acquired as part of urban renewal programs in Asheville and the City may wish to sell or change the zoning use of one or more of these properties in the future; and

WHEREAS, the City of Asheville seeks to establish a policy for any sale or reuse of these properties that is informed by the Reparations Commission; and

WHEREAS, the City of Asheville wishes to suspend the sale or change in zoning use of any such property until further policy direction has been developed for these parcels, except for parcels expressly exempted by Council, which at this time includes properties at 172 & 174 S. Charlotte Street (PINs 964858284300000 and 964858160500000) to White Labs, Inc. and on Asheland Avenue (PIN 964827746000000) to Haywood Street Congregation; and

WHEREAS, if for any reason these transactions do not materialize with the stated partners, then the referenced properties will be subject to the suspension of sale as defined herein;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby directed to suspend the sale of any parcel of real property owned by the City of Asheville that was at one time previously affiliated with any urban renewal program carried out in the City of Asheville, with the exception of the properties specifically noted herein, until such time a policy is enacted that has been reviewed. The City Manager hereby is authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 27th day of October, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-185

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A UNITED STATES GEOLOGICAL SURVEY FORM TO NAME TWO STREAMS IN ASHEVILLE

WHEREAS, the City of Asheville was approached by the non profit organization RiverLink with a request to consider signing a United States Geological Survey form in order to name two streams within the City of Asheville's municipal boundaries, and;

WHEREAS, The City of Asheville recognizes that community members in the Southside and the Haw Creek neighborhoods wish to give names to unnamed streams in their neighborhoods; and

WHEREAS, The City of Asheville recognizes that the proposed names of Haith Branch and Masters Branch honor acknowledged civic leaders in the community; and

WHEREAS, The City recognizes that an engagement process to help the community gather and vote on names was managed by RiverLink, a regional not for profit promoting the environmental and economic vitality of the French Broad watershed; and

WHEREAS, The City of Asheville recognizes that the public welfare and interest of the City includes a vision for a Clean and Healthy Environment, as defined in the 2036 Council Vision; and

WHEREAS, The Asheville Area Riverfront Redevelopment Commission voted in favor of this action at their September 21, 2020 meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to sign a United States Geological Survey form supporting the names of Haith Branch and Masters Branch for two unnamed tributaries in the Southside and Haw Creek neighborhoods.

Read, approved and adopted this the 27th day of October, 2020.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20- 186

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE DESIGN CONTRACT WITH CLARK NEXSEN FOR THE PROJECT KNOWN AS DR. WESLEY GRANT SR. SOUTHSIDE CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City desires to amend a contract to Clark Nexsen for the design services for the Dr. Wesley Grant Sr. Southside Center; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, Clark Nexsen was chosen through a qualifications based selection process as the most qualified to perform the design services; and

WHEREAS, Clark Nexsen presented a revised scope of work and fee proposal for professional services associated with the Dr. Wesley Grant Sr. Southside Center project; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following ways: (1) It supports a smart city by maintaining and investing in the City's infrastructure; and (2) it supports a well-planned and livable community through the investment in parks and open-spaces;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment with Clark Nexsen to provide design services for Dr. Wesley Grant Sr. Southside Center for an amount not to exceed $170,000.

Read, approved, and adopted this 27th day of October,2020.

Magdalen Bowerson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 20-187

RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council formal meeting on November 24, 2020, will be cancelled.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 27th day of October, 2020.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

464

RESOLUTION NO. 20-188

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, GRANT FUNDING FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF INCREASING BACKYARD AND COMMUNITY-BASED COMPOSTING

WHEREAS, pursuant to G.S. 160A-17.1 the City is authorized to apply for and accept grants from the federal and state government; and

WHEREAS, the City of Asheville is committed to reducing organic waste being sent to the landfill; and

WHEREAS, the City of Asheville has an opportunity to support residents in learning composting techniques for efficient backyard organics recycling; and

WHEREAS, the City of Asheville intends to apply for a grant totaling $18,000 through N.C. Dept. of Environmental Quality's DEACS Backyard Composting grant opportunity, and if awarded, the City will be required to provide a match of $3,600, or 20% of requested grant funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, and if awarded, accept grant funding of $18,000 from N.C. Dept. of Environmental Quality to support and increase backyard composting in Asheville and to execute any and all documents necessary to give effect to this resolution.

Read, approved, and adopted this the 27th day of October 2020.

Magdalen Bourleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-189

RESOLUTION AUTHORIZING THE PROCUREMENT OF EQUIPMENT FOR AUDIOVISUAL UPGRADES TO THE CITY HALL FIRST FLOOR CONFERENCE ROOM FROM SOLE SOURCE VENDOR SOLUTIONZ, INC.

WHEREAS, N.C.G.S. 143-129 details procedures for the letting of public contracts; and

WHEREAS, N.C.G.S. 143-129 (e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of N.C.G.S. 143-129 (e) states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(ii) a needed product is available from only one source or supply"; and

WHEREAS, Solutionz, Inc. has been identified as the "sole source" for audiovisual equipment that is consistent and compatible with existing equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby authorizes the procurement of equipment as permitted under N.C.G.S. 143-129 (e) (6) from sole source vendor Solutionz, Inc.

Read, approved, and adopted this the 27th day of October 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

466

RESOLUTION NO. 20-190

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOORE AND SON SITE CONTRACTORS, INC.. FOR THE DISTRICT SIDEWALK PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for The District Sidewalk project, City of Asheville Project #K1607; and

WHEREAS, Moore and Son Site Contractors, Inc., of Mills River, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, Moore and Son Site Contractors, Inc. shall provide all labor, materials, and equipment for the installation of sidewalk, asphalt, and all needed appurtenances; and

WHEREAS, the amount of the bid is $170,993, and funding for the project is allocated within the already exists within the currently approved Capital Improvement Program (CIP);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Moore and Son Site Contractors, Inc. in the amount of $170,993 for The District Sidewalk project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $17,099.30 (10%) for a total contract amount not to exceed $188,092.30.

Read, approved, and adopted this the 27th day of October 2020.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-191

RESOLUTION ADOPTING THE HAYWOOD AND PAGE CONCEPT MASTER PLAN

WHEREAS, the City of Asheville has authority pursuant to 160D-501(a) to adopt plans as deemed appropriate: and

WHEREAS, The City Council of the City of Asheville recognizes that the public welfare and interest of the City includes a vision for a Well Planned and Livable Community, as defined in the 2036 Council Vision; and

WHEREAS, The proposed Haywood and Page Master Concept provides the City with a clear understanding of the community's vision for the area while maintaining the flexibility to be adapted or modified during future implementation efforts; and

WHEREAS, The adoption of the Haywood and Page Concept Master Plan was supported by a vote of the Planning and Zoning Commission on October 7, 2020; by the Downtown Commission on October 9, 2020; and by the Planning and Economic Development Committee on October 11, 2020; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

That the proposed Haywood and Page Concept Master Plan is hereby adopted and accepted as an official planning document of the City of Asheville.

Read, approved and adopted this the 27th day of October, 2020.

Magdalen Bandeson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bandeson
City Clerk

RESOLUTION NO: 20-192

RESOLUTION ESTABLISHING THE CITY OF ASHEVILLE BUSINESS INCLUSION POLICY TO PROMOTE ECONOMIC INCLUSION AND FULL EQUITABLE UTILIZATION OF FIRMS THAT ENGAGE IN BUSINESS WITH THE CITY IN THE ASHEVILLE REGIONAL AREA

WHEREAS, the City of Asheville has committed to Equity and Inclusion within all City practices to include City contracting; and

WHEREAS, the City of Asheville's Minority Business Plan expired in 2013; and

WHEREAS, the City of Asheville contracted with BBC Consulting to conduct a Disparity Study in 2018 to review City contracting ("the Disparity Study"); and

WHEREAS, the Disparity Study Final Report was presented to the Asheville City Council in April 2019. The results indicated that some minority-owned and women-owned businesses, viewed together, received lower participation in city contracts compared to business availability within the relevant geographic market ("Asheville Regional Area"), thus displaying substantial disparities in areas of City contracting; and

WHEREAS, the Disparity Study demonstrated a strong evidentiary basis for racial and gender disparities, which is supported by both substantial statistical evidence and anecdotal evidence of discrimination. There is, therefore, a compelling government interest in remedying such disparities; and

WHEREAS, such a compelling government interest has been accepted by federal courts as legally sufficient for governmental entities to incorporate a race and gender-conscious contracting policy which is narrowly tailored to remedy the aforementioned disparities; and

WHEREAS, implementing such a policy would promote equal opportunity through City contracts which will enhance competition on City projects and promote equal opportunity and full participation by all segments of the business community; and

WHEREAS, this policy is consistent with the City of Asheville's Living Comprehensive plan in promoting a resilient economy and interwoven equity by providing opportunities for small, minority-owned, and women-owned businesses to participate in City contracting.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville Business Inclusion Policy ("ABI Policy") be and is hereby adopted.

2. The Asheville City Manager shall manage the implementation of the ABI Policy.

3. The Asheville City Manager shall have the authority to make modifications and amendments to the policy that are minor in nature. All other modifications and amendments shall be brought before the City Council for consideration.

4. In the form of a request for a budget amendment, the policy shall be brought before the City Council every five (5) years for consideration on funding for further disparity studies.

5. Should any section or provision of this policy be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this policy as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

6. The policy shall be implemented and effective, not before January 1, 2021.

Read, approved, and adopted this 27th day of October 2020.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 20 - 193

RESOLUTION ESTABLISHING A ZERO-NET LOSS URBAN TREE CANOPY POLICY FOR THE CITY OF ASHEVILLE, NC

WHEREAS, our urban forest provides a multitude of environmental benefits including: improving air quality, water quality, and soil quality; reducing storm water runoff, erosion, sedimentation, and flooding; providing shade, evaporative cooling, and a diversity of habitats for wildlife and pollinators; reducing ambient air temperature as much as 20 degrees in the summer months; and

WHEREAS, our urban forest provides a multitude of social and public health benefits that include: reducing heat-related illnesses; reducing illnesses such as asthma, attention deficit disorder, and obesity; reducing the length of hospital stays; reducing noise pollution; reducing stress, and reducing exposure to harmful UV rays; and

WHEREAS, our urban forest provides a multitude of economic benefits including: improving retail and tourist environments; increasing property values; decreasing storm water treatment costs; reducing energy consumption and electricity costs; and

WHEREAS, Asheville's urban forest sequesters 65,000 tons of carbon each year, valued at $3,000,000 per year, and reduces storm water runoff by 18 million gallons a year, along with providing shading and evaporative cooling, strongly contributing to Asheville's energy transition goals and climate resilience; and

WHEREAS, an urban forest canopy analysis commissioned by the City of Asheville and the Asheville Urban Forestry Commission documented a canopy loss of 6.4%, or 891 acres of trees over a 10-year period (an area larger than Central Park in New York City) with a subsequent loss of environmental, social and economic benefits and values; and a NASA study documented a substantial on-going spike in the urban heat island effect, particularly in areas with marginalized communities; and

WHEREAS, it is critically important to reverse this trend to provide a healthy environment and environmental equity; to make Asheville as climate resilient as possible; and to provide for a sustainable future;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT THE CITY OF ASHEVILLE WILL:

1. Employ policies, practices, scientifically managed programs and partnerships to establish a zero-net loss of urban tree canopy while maximizing its ecological benefits and reducing risks; maintaining the urban forest canopy at no less than the current (2018) level at 44.5%, with a goal to increase canopy cover to 50% by 2040.

2. Establish a Comprehensive Urban Forestry Program as soon as practical that includes updated ordinances, a professional urban forester, and an urban forest master plan to help guide the future of Asheville's urban forest and green infrastructure in an effective and efficient manner.

3. Conduct City operations, establishment and maintenance of public infrastructure, rights of way, facilities, and park projects in tandem with the objective of the protection, replacement, and maintenance of trees, using state-of-the science technology and best management practices.

4. Develop partnerships to educate the public and private sector on the benefits and values of our urban forests and urban forest conservation to build broad community support and participation in the stewardship of Asheville's urban forest.

Read, approved and adopted this 27th day of October, 2020.

Magdalen Bowleson
City Clerk

Esther G. M...
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 20-194

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of Philip Lenowitz (28804 representative), Barber Melton, (28805 representative) and Cissy Dendy (at-large representative) as members on the Neighborhood Advisory Committee, expired on July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Diane Dankert is hereby appointed as a member of the Neighborhood Advisory Committee (at-large representative), to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed.

Read, approved and adopted this 27th day of October, 2020.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-195

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, the term of Jay Fields, as a member on the Public Art & Cultural Commission, expired on June 30, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Marsha Almodovar is hereby appointed as a member of the Public Art & Cultural Commission, to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed.

Read, approved and adopted this 27th day of October, 2020.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

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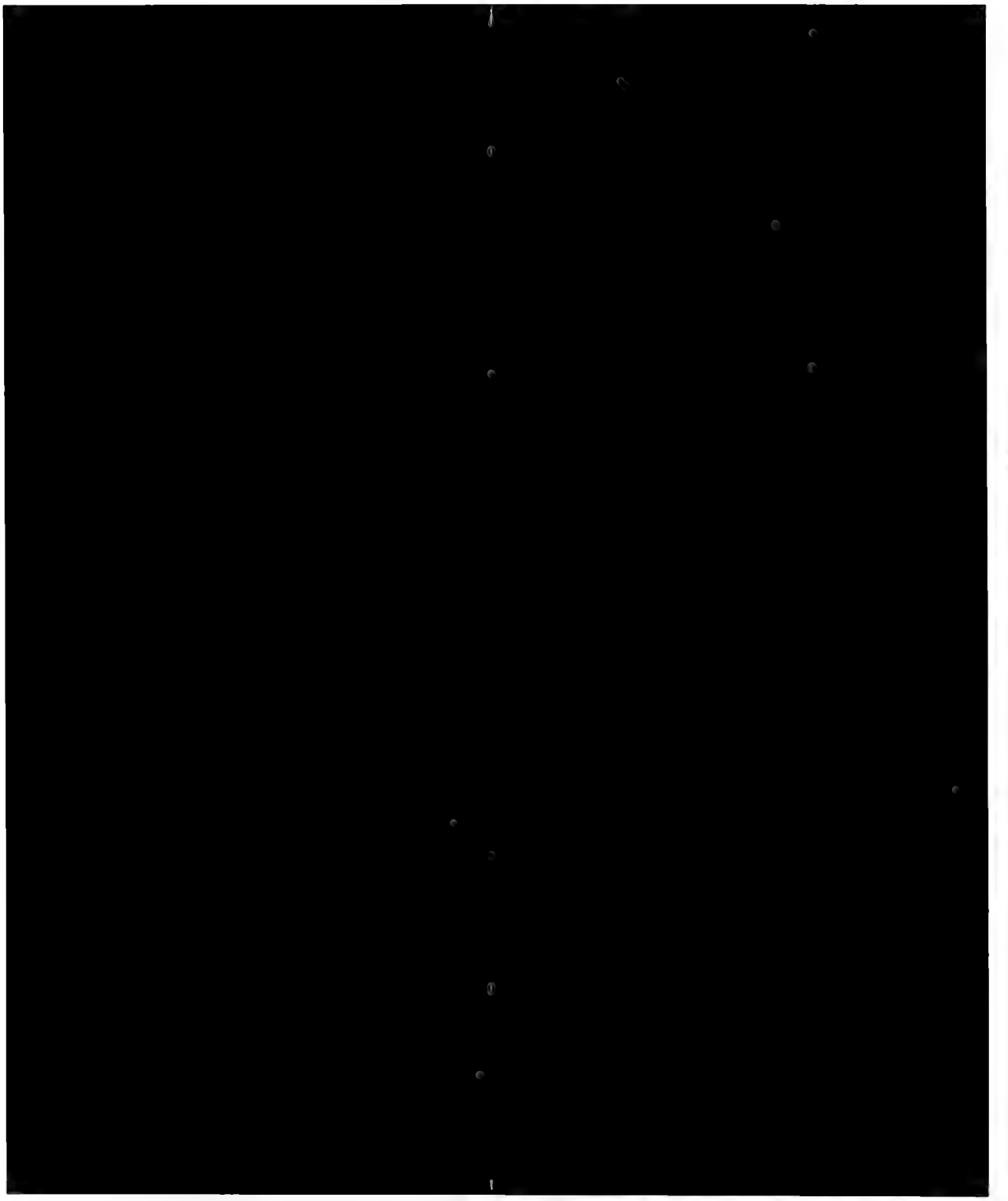

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RESOLUTION NO. 20-196

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORFOLK-SOUTHERN RAILROAD FOR ADMINISTRATIVE, ENGINEERING REVIEW, AND OTHER COSTS ASSOCIATED WITH THE DISTRICT SIDEWALK PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for The District Sidewalk project, City of Asheville Project K1607, and a bidder was selected; and

WHEREAS, components of the sidewalk project are to be constructed within Norfolk-Southern Railroad right-of-way; and

WHEREAS, Norfolk-Southern Railroad must review and approve the construction plans for The District sidewalk plans, for those project components that are within Norfolk-Southern Railroad right-of-way; and

WHEREAS, Norfolk-Southern Railroad requires the City of Asheville to reimburse the Railroad for administrative, engineering review, and other costs; and

WHEREAS, the amount of the reimbursement is $105,583, and funding for the project is allocated within the GO Bond;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an agreement with Norfolk-Southern Railroad for administrative, engineering review, and other costs associated with The District Sidewalk project, for a total amount not to exceed $105,583.

Read, approved and adopted this the 10th day of November, 2020.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

2

RESOLUTION NO. 20 - 197

RESOLUTION AUTHORIZING THE CITY PURCHASING MANAGER TO PROCURE NEW RADIOS USING SOLE SOURCE PROCUREMENT THROUGH MOTOROLA SOLUTIONS, INC. FOR ASHEVILLE RIDES TRANSIT OPERATIONS.

WHEREAS, pursuant to N.C.G.S. §160A-17.1, the City is authorized to make contracts for and accept grants and loans form the federal and state governments and their agencies; and

WHEREAS, N.C.G.S § 143-129 details procedures for letting of public contracts; and

WHEREAS, N.C.G.S. § 143(e)(6) provides for an exception to the requirement for formal bids for procurement contracts, stating that governing body of a political subdivision of the State shall approve the purchase or apparatus, supplies, materials or equipment without formal bidding when a needed product is available from only one source of supply or standardization or compatibility is the overriding consideration; and

WHEREAS, the City of Asheville has received a quote from Motorola Solutions, Inc. to purchase replacement radios to replace existing radios for installation in ART's buses and for use by dispatch, and requests approval to procure the new radios using a sole source procurement to comply with all applicable Federal and State procurement requirements; and

WHEREAS, the City of Asheville will utilize existing FTA grant funds to facilitate the purchase, the FTA will reimburse grant applicants for up to eighty percent (80%) of capital cost of projects implemented with FTA transit grant funds, which requires a twenty percent (20%) local match which has already been budgeted within the City's Transit Capital Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Purchasing Manager to procure new radios through Motorola Solutions, Inc. for Asheville Rides Transit (ART) operations using sole source procurement as permitted under N.C.G.S. 143-129(e)(6).

Read, approved and adopted this 10 day of November 2020.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20 - 198

RESOLUTION RATIFYING TRANSITIME REAL-TIME SERVICES PASSENGER INFORMATION SERVICES AGREEMENT WITH SWIFTLY, INC., AND APPROVING AN AMENDMENT TO THE AGREEMENT TO INCREASE FUNDING IN THE CURRENT CONTRACT

WHEREAS, N.C.General Statute §160A-461 requires that inter-local agreements entered into by the City be ratified by the City Council; and

WHEREAS, the City entered into an agreement with Swiftly, Inc., to provide Transitime Real-time passenger information services; and

WHEREAS, the Federal Transit Administration requires the City of Asheville to enter into a contract agreement incorporating all federal requirements agreed to by the City of Asheville in the master agreement with the Federal Transit Administration; and

WHEREAS, in order to avoid lapse in service and to pay services rendered, it is necessary to execute an amendment to increase the amount of funds in the contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council ratifies and authorizes the City Manager to amend the agreement with Swiftly, Inc., for Transit Real-Time Passenger Information services to exercise the option to renew for years three and four of the contract through December 16, 2022, and increase the contract amount by $110,743 for a total contract amount of $179,922.10.

Read, approved and adopted this 10th day of November 2020.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

4

RESOLUTION NO. 20-199

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH YOUNG TRANSPORTATION FOR SUPPLEMENTAL TRANSIT SERVICE AND EXTENDING THE CONTRACT TERM TO APRIL 30, 2021

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville issued a competitive request for proposals for the purpose of providing supplemental transit operations services in an effort to partially restore service reduced ;

WHEREAS, the City of Asheville awarded the contract to Young Transportation to provide daily supplemental transit operations services for the City of Asheville; and

WHEREAS, the City awarded $962,000 to Young Transportation to provide supplemental transit operations service in the City of Asheville's service area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to amend the contract with Young Transportation for supplemental transit service by increasing the contract amount by $560,000, from $962,000 to $1,522,000 and extending the contract term to April 30, 2021.

Read, approved and adopted this the 10th day of November, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-200

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW CONTRACT FOR CITY GUARDS AGREEMENT WITH STRATEGIC SECURITY CORP FOR A PERIOD OF ONE YEAR, WITH THE OPTION OF FOUR, ONE YEAR RENEWALS TO PROVIDE CITY GUARD SERVICES FOR NO MORE THAN FIVE CONSECUTIVE YEARS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with Strategic Security Corp for the provision of City Guard services; and

WHEREAS, the City of Asheville desires to renew the above-referenced contract for an additional one-year; and

WHEREAS, the City of Asheville is seeking to modify the existing contract to include a term of service that will not exceed a period of five consecutive years; and

WHEREAS, funding for said work is included in the current fiscal budget of the Capital Projects Department;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a new contract for City Guards agreement with Strategic Security Corp in the amount not to exceed $250,000 for a period of one year, with the option of four, one year renewals to provide City guard services for no more than five consecutive years.

Read, approved, and adopted this 10th day of November 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

6

RESOLUTION NO. 20-201

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH HAZEN AND SAWYER, P.C. FOR THE EDWIN PLACE, CELIA PLACE AND CANTERBURY DRIVE DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, qualifications were solicited for the Edwin Place, Celia Place and Canterbury Drive Drainage Improvements Project, City of Asheville; and

WHEREAS, the qualifications were reviewed by the Public Works Department and Hazen and Sawyer, P.C. was the most qualified firm for the project; and

WHEREAS, Hazen and Sawyer, P.C. is currently providing professional services for this project and Public Works desires for them to divide the existing project into an additional construction plan phase and construction administration; and

WHEREAS, the additional amount needed for the contract amendment is $97,833.58 and the monies have been budgeted in the Stormwater Capital Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract amendment in the amount of $97,833.58 with Hazen and Sawyer, P.C. and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $117,572.00 (15%) for a total revised budget amount of $901,385.58 for the Edwin Place, Celia Place and Canterbury Drive Drainage Improvements Project.

Read, approved, and adopted this the 10th day of November 2020.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-202

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT FUNDING FROM THE NC ALLIANCE OF YMCA's REMOTE LEARNING SITE GRANTS

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from state and federal government and to enter into contracts for the administration of said grants; and

WHEREAS, the City's Parks and Recreation Department has an opportunity to apply for a reimbursement grant from the NC Alliance of YMCA's to cover expenses related to the planning and providing of remote learning support, the Recreate and Educate Program, between September to December, that was developed and provided in response to COVID-19 to provide a safe and clean environment for students who are learning remotely; and

WHEREAS, the City has or will have expended approximately $431,338.00 between September 2020 and December 2020 in order to operate the remote learning sites and hopes to get reimbursement of these costs from the grant program; and

WHEREAS, seeking this grant assistance aligns with the City Council's 2036 vision which states, "We pride ourselves on building and growing partnerships – with regional and state governments, nonprofits, the private sector, and neighborhood associations.";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for funding from The NC Alliance of YMCAs remote learning site grants and to execute any documents necessary to accept the grant funds if awarded.

Read, approved and adopted this the 10th day of November, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

8

RESOLUTION NO. 20-203

RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FORMALLY INTERVENE IN THE NORTH CAROLINA UTILITIES COMMISSION DOCKET E-100 SUB 165 OF DUKE ENERGY'S 2020 INTEGRATED RESOURCE PLAN ("IRP")

WHEREAS, the City of Asheville adopted a resolution to reduce municipal carbon emissions by 80% by 2030 on April 12, 2011; and

WHEREAS, the City of Asheville adopted a resolution supporting a Clean Energy Economy on October 22, 2013; and

WHEREAS, the City of Asheville adopted a resolution establishing a 100% Renewable Energy Goal for municipal operations and support Buncombe County's 100% Renewable Energy Community-wide Goal; and

WHEREAS, this is the first IRP that has been published since the City adopted its 100% renewable energy goal; and

WHEREAS, engaging on utility level policies at the North Carolina Utilities Commission was prioritized as a strategy in *Moving to 100 Percent: Renewable Energy Transition Pathways Analysis for Buncombe County and the City of Asheville*; and

WHEREAS, the City of Asheville adopted a resolution declaring a climate emergency and committed to an equitable and just citywide mobilization effort to reverse global warming that, if met with all necessary financial and regulatory assistance and authorization from State and Federal authorities, would end citywide GHG emissions as quickly as possible and no later than 2030; and

WHEREAS, intervention will give the City an opportunity to comment on the Integrated Resource Plan and advocate for renewable energy and promote the success of the existing partnership efforts with Duke Energy and Buncombe County through the Blue Horizons Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Attorney, is hereby authorized to formally intervene in the North Carolina Utilities Commission Docket E-100 Sub 165 of Duke Energy's 2020 Integrated Resource Plan ("IRP") in order to provide comment from the Sustainability Staff regarding the City's renewable energy goals as they relate to the IRP; and the City Manager is authorized to execute any and all documents necessary in order to give effect to this resolution.

Read, approved, and adopted this the 10th day of November 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-204

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MASTER ENCROACHMENT AGREEMENT WITH VERIZON WIRELESS

WHEREAS, pursuant to N.C.G.S. 160D-936, Verizon Wireless and other cellular network providers are permitted to place small cell facilities within the City's rights of way; and

WHEREAS, the City is limited to reviewing proposed new cellular facilities for compliance with the City's aesthetic and technical standards; and

WHEREAS, the City and Verizon wish to enter into a Master Encroachment Agreement that will govern the process by which the City will review new applications submitted by Verizon pursuant to N.C.G.S. 160D-936; and

WHEREAS, the proposed Master Encroachment Agreement does not expand the rights that Verizon has to utilize the City's rights of way, but rather specifies processes that Verizon and the City have agreed to follow;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Master Encroachment Agreement between the City and Verizon Wireless.

Read, approved, and adopted this 10th day of November, 2020.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

10

RESOLUTION NO. 20-205

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S ANNUAL ACTION PLAN FOR 2020-2021 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED ANNUAL ACTION PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is the Lead Entity on behalf of the Asheville Regional Housing Consortium (ARHC) for the federal Home Investment Partnerships Program (HOME); and

WHEREAS, each year, the City must submit to the U.S. Department of Housing and Urban Development (HUD) an Annual Action Plan detailing its proposed use of CDBG and HOME funds for the upcoming fiscal year; and

WHEREAS, a public hearing has been held on October 27, 2020, to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the submission to HUD of the Annual Action Plan for 2020-21 which is attached hereto as Exhibit A.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the implementation of the Consolidated Annual Action Plan.

Read, approved and adopted this 10th day of November, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

SUMMARY OF ANNUAL ACTION PLAN FOR 2020-2021 (Exhibit A)

CDBG PROGRAM

Projected Revenue:

Estimated 2020-21 Program Income	$50,000
Estimated 2019-20 Program Income	$24,000
Funds available for reallocation	$0
New CDBG Entitlement Grant	$1,046,871
Total CDBG Funds Available:	**$1,120,871**

Proposed Use of Funds:

2020-2021 PROGRAM	Funding Recommendations
CARING for Children-Trinity Place Runaway and Homeless Youth Shelter	$16,332
Helpmate, Inc-Emergency Shelter for Domestic Violence Survivors	$30,000
Homeward Bound of Western North Carolina-AHOPE Coordinated Entry	$47,000
OnTrack Financial Education & Counseling-Financial Capabilities Program	$25,000
YWCA of Asheville and Western North Carolina-Empowerment Child Care	$25,000
YWCA of Asheville and Western North Carolina-Mother Love	$25,000
Pisgah Legal Services-Homelessness Prevention Project	$45,000
Homeward Bound of Western North Carolina-Housing Services	$81,000
Eliada Homes - Homelessness Services Program	$15,000
Haywood Street Congregation - Respite	$20,000
Asheville Area Habitat for Humanity-Home Repair-Low Income Homeowners	$128,000
Mountain Housing Opportunity - Emergency Home Repair	$95,000
Mountain BizWorks-Opportunity Asheville	$120,000
Carolina Small Business Development Fund-Opportunity Asheville	$120,000
Eagle Market Streets Development Corporation IDA for Small Business	$30,000
The SPARC Foundation-Changing Together	$74,542
City of Asheville-Program Administration	$223,997
RECOMMENDED FUNDING	**$1,120,871**

HOME INVESTMENT PARTNERSHIP PROGRAM

Projected Revenue:

Estimated 20-21 Program Income	$19,586
2019-2020 Estimated Program Income	$23,127
"Returned" FY16-17 HOME Award	$165,000
Additional Program Income	$225,000
New HOME Entitlement Grant	$1,334,952
Total HOME Funds Available:	**$1,767,665**

Proposed Use of Funds:

2020-2021 PROGRAM	Funding Recommendations
Community Housing Coalition Madison County - Rural Rehabilitation	$150,000
Asheville Buncombe Community Land Trust - Home & Lot Purchase	$261,963
WDT Development- The Villas at Swannanoa	$840,000
Housing Assistance Corporation (HAC) - Transylvania Rehabilitation	$62,000
Housing Authority of the City of Asheville- TBRA Resident Mobility	$95,000
Homeward Bound of Western North Carolina- TBRA Asheville	$80,000
Homeward Bound of Western North Carolina - TBRA Buncombe	$100,000
Eliada Homes- Homeless Services Program	$18,750
City of Asheville - Program Administration	$159,952
RECOMMENDED FUNDING	**$1,767,665**

RESOLUTION NO. 20-206

RESOLUTION APPROVING THE HUD PROPOSAL OF ASHEVILLE'S SPECIAL ALLOCATION OF CDBG FUNDS FOR COVID-19 (ROUND 3) THROUGH AN AMENDMENT TO THE 19-20 ANNUAL ACTION PLAN AND SUBMITTAL TO HUD AND AUTHORIZING THE CITY MANAGER TO SIGN ALL CONTRACTS AND LOAN AGREEMENTS, AFTER APPROVAL BY THE CITY ATTORNEY, WITH HUD AND OTHER DESIGNATED AGENCIES FOR THE IMPLEMENTATION OF THE FUNDING

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program; and

WHEREAS, a Special Allocation of CDBG funds (Round 3) has been allocated to the City of Asheville as part of the federal CARES Act of 2020 in response to COVID-19; and

WHEREAS, this allocation in the amount of $889,456 is to be used to prevent, prepare for, and respond to the coronavirus / COVID-19; and

WHEREAS, the Community Development staff must submit a proposal to HUD to be awarded this special allocation that shows "Clarity of Need" and assists individuals and families under 80% Area Median Income (AMI) and/or Low & Moderate Income (LMI) areas that have been affected by COVID-19;

WHEREAS, a public hearing has been held on October 27, 2020, to obtain citizen input and comments on the proposal, and the proposal has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council hereby approves the HUD proposal for submittal for the City of Asheville's special allocation of CDBG funds for COVID-19 / $889,456 as an Amendment to the 19/20 Annual Action Plan shown below:

CDBG-CV Round 3 Funding	Funding Recommendations
Homeward Bound of Western North Carolina- Homelessness Prevention and Rapid Rehousing	$255,000
Homeward Bound of Western North Carolina- Housing Services for Homeless Persons	$165,000
Pisgah Legal Services- Rental Assistance / Eviction Prevention	$295,000
City of Asheville - Program Administration for all CDBG-CV activities	$174,456
RECOMMENDED FUNDING	**$889,456**

2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the implementation of the amended 19-20 Annual Action Plan.

Read, approved and adopted this 10th day of November, 2020.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

14

RESOLUTION 20- 207

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S LAND USE INCENTIVE POLICY

WHEREAS, pursuant to N.C. Gen. Stat. § 160D-1316 , the City is authorized to appropriate and expend funds for residential housing for sale or rental to persons and families of low- and moderate income; and

WHEREAS, the Asheville City Council last adopted an update to the Land Use Incentive Grant Policy on October 22, 2019; and

WHEREAS, the Asheville City Council believes it is necessary to modify and clarify the City's existing Land Use Incentive Policy ("LUIP") in order to further encourage the use of the LUIP and to more specifically set forth the requirements and considerations for Council approved appropriations for affordable housing including an increase in the percentage of units required to be affordable at or below 80% AMI from 10% to 20% and implementation of cap of the LUI grant amount to $80,000 per unit subsidy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City's Land Use Incentive Policy last amended on October 22, 2019, adopted (Resolution No. 19-245) is hereby revised and amended as shown on Exhibit A, attached hereto and incorporated here by reference and this version hereby replaces and supersedes all prior amendments to this Policy.

Read, approved and adopted this 10th day of November, 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

LAND USE INCENTIVE GRANT POLICY
AS AMENDED & UPDATED ON *MONTH, DAY, YEAR / RESOLUTION # XXXX*

Thank you for your interest in building and maintaining affordable homes for individuals and families in Asheville. By partnering with the City of Asheville, we hope to assist all developers to fulfill their mission as well as ours by keeping Asheville a vibrant and affordable place to live.

If you are considering adding affordable units to your development, please read this policy and guidance in its entirety. If you should have any questions, or are interested in getting an estimate on subsidy for building affordable units, please contact:

Paul D'Angelo, CD Program Director
City of Asheville
pdangelo@ashevillenc.gov / 828.251.4098

Guidance:
Please see the points matrix on the following page. Every **5** points can earn one year of economic incentive -

> Equivalent to **City** property taxes (with full improvements calculated) in excess of currently assessed taxes at the time of LUIG application for one year applied annually, *to be dated from the date of release of all occupancy permits for the project. Land Use Incentive Grant (LUIG)* not to exceed 20 years plus one.

The baseline rents defining "affordable" and "Low to Moderate Income (LMI)" housing shall be the rents for income and household size and determined by the number of bedrooms in qualified residential units, as published by the Community Development Department (CD), for the year (known as Appendix 1) in which the Certificate of Occupancy (herein "CO") is issued.

To Qualify:
The following requirements must be met in order for City Council to consider an application. Affordability is the key. While CD will discuss any development that includes affordable units, applicants must meet the following minimum requirements:

- The proposed development must consist of two or more dwelling units for rent;
- At least 20% of the units must meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income (AMI) which would include at least 5% of the units accepting Rental Assistance like Housing Choice Vouchers (HCV). (Ex. to qualify - 100 home rental community: 15 affordable @ < 80% AMI, 5 HCV = 20 affordable homes / 20%)
- The affordable units must be affordable to and leased to income-eligible households for at least *20* years.
- The proposed development must be located inside the city limits.
- The proposed development must be 70% residential in use based on square footage not to include a parking structure if applicable.
- The proposed development must be located to provide residents convenient access to jobs, schools and services. A walkability score from walkscore.com must be submitted with the Application along with a bikeability score.
- Regardless of whether an application appears to qualify based on the criteria, City Staff must determine the financial feasibility of the City awarding any grant amount. Absent such an independent determination being made, no application will be accepted.

Scoring Table (See "Notes on the Matrix" below for further clarification)

Points	5	10	15	20	30	40	50	60	70	80	90
20%+ Affordable (80% AMI and below)				x							
30%+ Affordable					x						
40%+ Affordable						x					
50%+ Affordable							x				
60%+ Affordable								x			
70%+ Affordable									x		
80%+ Affordable										x	
90%+ Affordable											x
25%+ Low Mod Income (80.1 - 100% AMI)	x										
50%+ Low Mod Income		x									
75%+ Low Mod Income			x								
20%+ Low Income (under 60% AMI)		x									
50%+ Low Income				x							
Tenant Affordability: *30* years		x									
Tenant Affordability: *50* years				x							
10%+ Rental Assistance		x									
20%+ Rental Assistance				x							
30%+ Rental Assistance					x						
40%+ Rental Assistance						x					
50%+ Rental Assistance							x				
Referral - Homeless By-name List	x										
Location: .25 mile ½ hour transit stop		x									
Location: Within Central Business District					x						
Location: 1 mile from job *or urban* center	x										
Location: .5 mile from Transp. Amenity	x										
Brownfield Redevelopment		x									
Energy Efficiency (EE) / Energy Star	x										
EE / Green Built Homes, SystemsVision		x									
EE / Solar Panels			x								
Universal Design - 20% units		x									
Building in NON-Qualified Census Tract		x									
Redevelop/Rehab 1 to 2 rebuild for affordable	x										
Redevelop/Rehab 1 to 3 rebuild for affordable		x									

The above point system will guide City Council in determining the actual amount of the Grant. Because the point system is a guide, City Council is authorized to allow more or less points on any particular factor, depending upon development characteristics, potential benefits of the project, potential detriments of the project, etc. **Regardless of a project's total score under the above matrix, the maximum grant for a project shall be capped at an amount equal to $80,000 per affordable unit over the affordability period.**

Notes on the matrix

- Affordability % & length of affordability are top priorities in the scoring matrix.
- LMI (Low to Moderate Income) units and points are for income-eligible households earning 100% or less (80.1% to 100% AMI) of area median income, also published on the Community Development website (known as Appendix 1).
- If a combination of Affordable and LMI Rental Units are provided in a single development, the total combined percentage of affordable and LMI is used to determine the percentage of LMI units in the project .
- Low Income
  - Income-eligible households earning 60% or less of area median income. Applicants must be willing to accept vouchers for these units to receive points.
- Rental Assistance
  - Housing Choice Voucher (HCV - Section 8), Veterans Affair Supportive Housing (VASH), Continuum of Care, Rapid Re-Housing, Housing Opportunities for People With Aids (HOPWA), Transition to Community Living (TCLI), etc. For points, at least 10% of the ***total*** number of all units, including market & affordable, must accept Rental Assistance.
- By-Name List
  - This is the Community Registry of the most vulnerable chronically homeless disabled adults; this tenant would come with rental assistance & ongoing supportive services. Removing 1 person off the list = 5 pts.
- Superior locational efficiency / explanation of ".5 mile from Trans. Amenity"
  - Within .5 mile of an existing public school, full-service grocery store, or ART bus stop (when served by a one hour ART transit frequency with service expansion planned in Transit Master Plan, and an existing or concurrently developed sidewalk or marked and maintained multi-modal path).
- Superior locational efficiency / explanation of "1 mile from job or urban center"
  - Within 1 mile of a designated job center (Asheville downtown, Mission Hospital main campus, Biltmore Town Square, or within 1 mile of an Urban Center as defined in the City's Comprehensive Plan). Applicants may also make a case for large concentrations of job opportunities within 1 mile radius of site.
- Brownfield redevelopment
  - Applicants who have received approval for a State of North Carolina Brownfield Redevelopment grant may request that payment of their Land Use Incentive Grant be extended beyond the awarded term, in order to be able to use both grants. However, the LUIG amount will be calculated starting from the year of the CO, even if the actual payment of the grant extends beyond the awarded term.
- Energy efficiency
  - Points for Energy Star Certification, Green Built Homes Certification by the Green Built Alliance, and SystemVision from the North Carolina Housing Finance Agency (NCHFA).
- Universal Design
  - In general, the design of buildings, products or environments to make them accessible to all people, regardless of age, disability or other factors. Link here for more information as recommended by NCHFA.
- Building in a **NON**-Qualified Census Tract (QCT)
  - A QCT is a census tract in which at least 50% of the households have an income less than 60% of the Area Median Gross Income (AMGI).
  - Link here to a QCT Map - Census Tracts 1,2,3,9,13,20,25.06 are all QCTs.
- Redevelopment / Rehabilitation
  - Rebuild or Rehab of units where affordable units existed before; all units rehabbed or redeveloped in the 1 to 1 match must target the same AMIs as the original units.

Application Procedures & Notes

- A $300 non-refundable application fee must accompany each LUIG application.
- Applications shall be in the form of a letter written to the City Staff contact (narrative).
- The application letter should indicate clearly how the project meets the grant eligibility requirements (see TO QUALIFY), a completed Matrix table and demonstrated need for a grant in order to meet the proposed criteria.
- The application letter should clearly indicate who the developer contact person is, and how that person can be contacted.
- The application letter must provide the PIN Number of the property(s) to be developed, the current tax value of the property(s), the amount of city taxes paid, and an estimate of the tax value of the project post-completion.
- The application letter must provide an estimated start date for project construction, and an estimated date for project completion and issuance of all occupancy approvals.
- *The application must be accompanied with site plans, proximity maps to transit, amenities, Job/Urban Centers, etc.to justify points requested and/or points requested outside of policy.*
- Applications should be received at least 15 days before the respective regularly scheduled Housing and Community Development (HCD) Committee meeting.
- The applicant will be responsible for reaching out to the Buncombe County Tax Assessor's Office to help determine the approximate tax value of the completed development. The Assessor will need the following information to determine an approximate value -
    - Number of units per unit mix (1BR, 2BR, etc.)
    - Projected rent per unit broken down by market & affordable level and number of units at each rent level.
    - Projected expenses.
    - Total heated sqft of project and any building construction details and/or building plans.
    - Parcel number(s).

  Please Note that Buncombe County may need up to 30 days to calculate an approximate tax value and City staff can help with contact information & facilitation. Their email response attached to the application will suffice as proof of their analysis.
- The applicant should expect the application to be considered in at least four meetings open to the public: 1) at a regular meeting of the Housing and Community Development Committee; 2) at a regular meeting of the Finance & Human Resources Committee; 3) at a regularly scheduled City Council meeting, when a motion to hold a public hearing will be formally considered; 4) at a regularly scheduled City Council meeting when the public hearing will be heard, and the grant request will be formally considered by Council. Approval of a Land Use Incentive Grant under this Policy requires a public hearing and approval by the City Council.
- Unless granted an exemption from the City Council for just cause shown, no new or updated LUIG application, i.e. no Grant, will be allowed under this Policy for projects which have already received building permits and/or final zoning approval.
- If approved, City staff will prepare a LUIG Agreement, to be reviewed by the City Attorney's Office, which will detail the specific terms of the grant, including, but not limited to:
    - An estimated award, based upon the estimated difference between the current property tax value and the estimated tax value ***post completion***, and the Council approved Land Use Incentive Grant. The actual grant will be based upon the actual

assessed value at the completion of construction, as determined by the Buncombe County Tax Assessor. ***Please note*** *- The City will only support a LUIG for up to $80,000 per unit of subsidy during the term of the grant although this figure* ***may*** *be adjusted upwards by Council, if requested by the developer, based on the type of build, level of affordability targeted, length of affordability, shared parking agreement, etc., as well as when a city property tax increase / revaluation occurs.*

- The number of units that must be provided at affordable or LMI rents, and the duration of time those rents must be provided. (Affordability Agreement)
- Monitoring criteria and provisions/penalties for non-compliance.

After the Application: Process and City Council Review:

Community Development Staff will accept and evaluate Land Use Incentive Grant applications submitted pursuant to this Policy for compliance with, among other things, this Policy's requirements and goals, the City's adopted Strategic Plan, Vision and any other applicable City plans. Working with the Developer, staff will also evaluate the number of potential points which a project could achieve under the Policy and provide a report to the Housing & Community Development Committee (HCD), with a recommendation based upon the foregoing analysis. HCD will review the staff assessment and make a recommendation to the Finance Committee and City Council. Finance Committee will also review staff assessment and make a recommendation to City Council.

Please Note that CD Staff will do their best to move your application through to HCD quickly; however, factors such as staff capacity, the shovel readiness of your project, coordination with a Conditional Zoning request, etc. could affect when your application is heard at HCD.

City Council will hear the staff assessment report and the Applicant's request and set a public hearing. Following the public hearing, the Council will make a discretionary determination as to whether to award the requested Grant, and the amount of any Grant awarded, based on its overall evaluation of the submitted project, not just the number of points.

*City Council will review applications which seek grants under this Policy according to the requirements and procedures set forth in N.C. Gen. Stat. § 160A-456 and N.C. Gen. Stat. § 158-7.1, and those which are set forth herein. The Council's decision to make a Land Use Incentive Grant and the amount of any Grant which is allowed, while within the discretion of the City Council, shall be guided by this Policy.

Notwithstanding the foregoing, the land use incentive grant is not an entitlement and the City is under no obligation to award such grants and specifically reserves the right to deny any application for any reason in the City's sole discretion.

Post-Award: Compliance & Reporting / Grant Funds

- If the Land Use Incentive Grant is approved by City Council, Grantee shall enter into a Land Use Incentive Grant Agreement with the City and also execute and record an Affordable Housing Deed Restriction prior to issuance of a CO.
- Please see Appendix 1 and the bullet points at the end of that spreadsheet for additional guidance, assistance and clarity.
- Verification of income at initial lease-up is required as well as at yearly lease renewal to insure the individual or family remains income qualified based on the latest year's AMI income limits as published by the Department of Housing & Urban Development (HUD)

and accepted by the City of Asheville for affordable rents (Appendix 1). If the tenant is allowed to go month to month on their lease, income verification is still required yearly.

- If at renewal the tenant is over the 80% AMI income for that year but under 120% AMI, the City requires that you keep the tenant at the affordable rent until their income is over 120% AMI. If the tenant is over that 120% AMI income at renewal, they can either stay in their unit with an adjustment to market rent or not renew their lease. The City of Asheville requires that income verification on affordable units for renewal occur 120 days before lease end to allow the tenant additional time should they be over income.
- The same 120% AMI rule is applied to Rental Assistance holders as well. If a tenant no longer has Rental Assistance but is under 120% AMI at lease renewal, they must stay at the affordable rent.
- When the tenancy of qualified units are terminated and a new affordable unit becomes available, the unit must be leased to income-qualified tenants, with verification of income required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented (Appendix 1).
- Annual rent increases for an affordable unit should not exceed 2.5% and the rent **can not** be more than that current year's allowable rent as published in Appendix 1.
- An affordable unit must be made available within 60 days of its termination of a tenancy.
- An annual report to the City's Community Development Department providing both a complete rent roll, income and household size of income qualified tenants, and unit number correlated to rent roll, is required to continue to establish compliance with the LUIG requirements. An example annual report is in the links below.
- One year before the end of the **LUIG affordability period**, all tenants in the affordable units must be notified of this ending date and how rents will be handled after this date. At the end of the LUIG affordability period, units that are occupied by income qualified tenants must be able to remain in tenancy at the affordable rent until lease renewal. At renewal, the property can voluntarily keep the tenant at the affordable rent if they are income qualified or raise the rent to market rate. If the tenant terminates the lease, the unit no longer has to remain at the affordable rent and can be moved to market rate. **Please Note** that affordability changes can not be made until after the end of the LUIG agreement; i.e. if the LUIG agreement ends in May and a tenant's lease ends the January prior, their affordable lease will be renewed for one year at the affordable rent (or month to month if the tenant agrees) as long as all criteria are met.
- If the Developer and/or Property Management Company would like to extend their LUIG affordability period, add additional affordable units, etc., please reach out to the Community Development Division to begin a conversation as well as learn about other affordable housing tools that may be available.
- If for any reason a tenant in an affordable unit is to be evicted, the property manager / management company must notify the City's Community Development Division within 5 days.
- The City of Asheville may, upon 10 days written notice, inspect the rent roll and household income verification records on site.
- If the project is out of compliance, it will have 30 days to cure the non-compliance.
- If the project remains non-compliance within that time frame, the City may deem the LUIG Agreement null and void and require that all prior grant funds be returned to the City.
- Grant is awarded following demonstrated performance and compliance to CD with the following schedule: tax equivalent grant, one year following the full occupancy and CO of the project and proof of payment of taxes. The funds are to be requested via a letter to the Community Development Division verifying compliance with the program and showing previous City Taxes paid and the Current City Taxes paid post revaluation of "improvements". This will show the "difference" and amount to be granted back. See Example Letter below.

Enforceability

If the Participant defaults in any of the Program Requirements of the Land Use Incentive Grant, or sells, assigns, transfers or conveys all or any part of the Property without notifying the City and submitting a release or transfer request prior to the end of the affordability period terms, then the City, at its option, may without further notice, declare the entire fee grant, together with all interest accrued thereon, immediately due and payable with a 10% per annum penalty until paid. Failure to exercise this option shall not constitute a waiver of the right to exercise the same at any other time.

Authority and Purpose:

This policy is approved pursuant to N.C. Gen. Stat. § 160A-456 and is intended to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville. These public purposes include the following, which are also principal components of the City's annual strategic goals, vision and other adopted plans: 1) the development of affordable and LMI housing. This Policy will serve to encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456. This Policy will also serve to increase the City's population, taxable property and business prospects per N.C. Gen. Stat. § 158-7.1 by encouraging such needed affordable development.

Links (available in printed form or as an attachment upon request)

- Appendix 1
- Draft / Example Application Letter
- Draft / Example Buncombe County Tax Assessment
- Draft / Example Land Use Incentive Grant Agreement & Affordable Housing Deed Restriction
- Draft / Example Property Annual Report
- Draft / Example Staff Assessment LUIG Report
- Draft / Example Developer Letter requesting LUIG

RESOLUTION NO. 20-208

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY, THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE AND THE ASHEVILLE CITY SCHOOLS BOARD OF EDUCATION REGARDING THE PROVISION OF NECESSARY AND ESSENTIAL INTERNET SERVICES TO CERTAIN COMMUNITIES

WHEREAS, pursuant to N. C. Gen. Stat. 160A-461, the City of Asheville can enter into interlocal agreements to execute any undertaking; and

WHEREAS, in direct response to the COVID-19 pandemic, residents of North Carolina must rely substantially on internet services to access certain essential services, including, but not limited to, health care; and

WHEREAS, in good faith based upon all available data and scientific information, it is believed that the COVID-19 pandemic will continue for an indefinite period of time to negatively impact the ability of (a) the public schools in the County of Buncombe and the Asheville City Schools District to provide fully in-person instruction; (b) public school students to access on-line instruction; and (c) residents of the County and City to access vital health and safety services made available through the internet, including, but not limited to, telehealth and emergency services information; and

WHEREAS, the City of Asheville, Buncombe County, the Housing Authority of the City of Asheville, and Asheville City Schools Board of Education desire to enter into an interlocal agreement to provide necessary, basic and essential services to their respective constituents to mitigate and combat the negative impacts of the COVID-19 pandemic through the provision of no-charge wireless internet services for residents of the following communities: (a) Southside Communities along Livingston Street; (b) Hillcrest Apartments; (c) Pisgah View Apartments; (d) Klondyke Homes; and (e) Deaverview Apartments; and

WHEREAS, the Housing Authority of the City of Asheville submitted a Request for Proposals for said services, including installation and annual Internet Service Provider fees for a 4 year term; and

WHEREAS, Skyrunner Inc., a/k/a Skyrunner Internet, submitted a proposal that the Housing Authority of the City of Asheville intends to accept, contingent upon funding; and

WHEREAS, The City of Asheville wishes to provide a portion of the funding for this endeavor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager be, and she is hereby, authorized to enter into an Interlocal Agreement with the County of Buncombe, the Housing Authority of the City of Asheville, and the Asheville City Schools Board of Education regarding the provision of necessary and essential internet services to certain communities located in Buncombe County. Pursuant to this agreement, the City of Asheville shall provide the amount of $50,000 toward funding this initiative.

Read, approved and adopted this 10th day of November, 2020.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION OF APPRECIATION TO BRIAN D. HAYNES

WHEREAS, Brian Haynes served as a member of the Asheville City Council since December 1, 2015; and

WHEREAS, Brian untiringly devoted over five years to the City of Asheville during a period of time that numerous projects were initiated through his leadership, which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his dedication to pay a living wage; keeping jobs local; promoting affordable, safe housing for all; his advocacy for sustainable energy reduction; and his unwavering support for City Council review of hotel projects; and

WHEREAS, Brian served as member of Downtown Commission, City Council Planning & Economic Development Committee, member and Chair of the City Council Public Safety Committee, and City Council Boards & Commissions Committee; and

WHEREAS, Brian also served as liaison to the Civic Center Commission, Firemen's Relief Fund, Public Art & Cultural Commission, and Homeless Initiative Advisory Committee; and

WHEREAS, Brian has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Brian was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Brian has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to Brian Haynes for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Haynes.

Read, approved and adopted this 10th day of November, 2020.

Esther E. Manheimer

MAYOR

Gwen Wisler

COUNCIL MEMBER

Sheneika Smith

COUNCIL MEMBER

S. Antanette Mosley

COUNCIL MEMBER

Sandra Kilgore

COUNCIL MEMBER Elect

Kim Roney

COUNCIL MEMBER Elect

Sage Turner

COUNCIL MEMBER Elect

Magdalen Burleson

City Clerk

Resolution No. 20-210

RESOLUTION OF APPRECIATION TO JULIE MAYFIELD

WHEREAS, Julie Mayfield served as a member of the Asheville City Council since December 1, 2015; and

WHEREAS, Julie untiringly devoted over five years to the City of Asheville during a period of time that numerous projects were initiated through her leadership, which will continue to have a revitalizing and growing impact on the City of Asheville far beyond her term of office, in particular her dedication to the implementation of the Transit Master Plan; her dedication to promoting affordable, safe housing for all; and her advocacy for sustainable clean air initiatives and energy reduction; and

WHEREAS, Julie served as member of the City Council Finance & Human Resources Committee, French Broad River Metropolitan Planning Organization, Chair and member of the City Council Housing & Community Development Committee, alternate member to the HUB Community Economic Development Alliance Board, member of the City Council Public Safety Committee, ex-officio member of the Buncombe County Tourism Development Authority, Chair of the Asheville Regional Housing Consortium Board, Chair of the City Council Planning & Economic Development Committee, and Asheville Area Riverfront Redevelopment Commission; and

WHEREAS, Julie also served as liaison to the Affordable Housing Advisory Committee, Asheville-Buncombe Historic Resources Commission, Housing Authority of the City of Asheville, Planning & Zoning Commission, Soil Erosion/Stormwater Review Committee, Sustainability Advisory Committee on Energy & the Environment, WNC Regional Air Quality Agency Board, and Urban Forestry Commission; and

WHEREAS, Julie has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Julie was unique in her sensitivity for doing what was best for the entire community and she had courage in expressing her convictions, and a special way in dealing with complex issues; and

WHEREAS, Julie has demonstrated in many practical ways her deep and genuine love for this city and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to Julie Mayfield for the service she has rendered to her community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Ms. Mayfield.

Read, approved and adopted this 10th day of November, 2020.

Esther E. Manheimer
MAYOR

Gwen Wisler
COUNCIL MEMBER

Sheneika Smith
COUNCIL MEMBER

S. Antanette Mosley
COUNCIL MEMBER

Sandra Kilgore
COUNCIL MEMBER Elect

Kim Roney
COUNCIL MEMBER Elect

Sage Turner
COUNCIL MEMBER Elect

Magdalen Bourneson
City Clerk

Resolution No. 20-211

RESOLUTION OF APPRECIATION TO W. KEITH YOUNG

WHEREAS, W. Keith Young served as a member of the Asheville City Council since December 1, 2015; and

WHEREAS, Keith untiringly devoted over five years to the City of Asheville during a period of time that numerous projects were initiated through his leadership, which will continue to have a revitalizing and growing impact on the City of Asheville far beyond his term of office, in particular his efforts to ban-the-box on job applications, create neighborhood grants, focus on affordable housing and affordable home ownership, and his dedication to supporting community reparations for Black Asheville; and

WHEREAS, Keith served as member of City Council Boards & Commissions Committee, City Council Governance Committee; City Council Housing & Community Development Committee; Citizens-Police Advisory Committee, Asheville-Buncombe Community Relations Council; and

WHEREAS, Keith also served as liaison to the Board of Adjustment, Recreation Board, African American Heritage Commission; and Human Relations Commission of Asheville; and

WHEREAS, Keith has been a powerful influence for good in the growth and progress of the community; and

WHEREAS, Keith was unique in his sensitivity for doing what was best for the entire community and he had courage in expressing his convictions, and a special way in dealing with complex issues; and

WHEREAS, Keith has demonstrated in many practical ways his deep and genuine love for this city and the surrounding area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the members of the Asheville City Council hereby express their gratitude to W. Keith Young for the service he has rendered to his community and that this resolution be entered into the minutes of the Asheville City Council and that a copy be presented to Mr. Young.

Read, approved and adopted this 10th day of November, 2020.

Esther E. Manheimer
MAYOR

Gwen Wisler
COUNCIL MEMBER

Sheneika Smith
COUNCIL MEMBER

S. Antanette Mosley
COUNCIL MEMBER

Sandra Kilgore
COUNCIL MEMBER Elect

Kim Roney
COUNCIL MEMBER Elect

Sage Turner
COUNCIL MEMBER Elect

Magdalen Burleson
City Clerk

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RESOLUTION NO. 20-212

RESOLUTION ADOPTING THE 2021 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following schedule of the meetings of the Asheville City Council for 2021 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 13, 2021; Tuesday, August 10, 2021; Tuesday, November 23, 2021; and Tuesday, December 28, 2021.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-213

RESOLUTION AMENDING THE PROCUREMENT, SURPLUS, PURCHASING AND CONTRACTING POLICY FOR THE CITY OF ASHEVILLE THAT AUTHORIZES THE CITY MANAGER TO EXECUTE CONTRACTS AND AWARD BIDS

WHEREAS, the City has the general authority to enter into contracts pursuant to G.S. 160A-11, and pursuant to Article 8 Chapter 143, may enter into contracts for construction, to include construction and repair of buildings and facilities, professional services, general services, contracts for the purchase of apparatus, supplies, materials, or equipment, and lease, rent, and dispose of City property pursuant to Article 12 of Chapter 160A; and

WHEREAS, the City Council enters into many contracts and agreements for construction, services, the purchase of apparatus, supplies, materials, or equipment, lease and rental agreements; and

WHEREAS, it is necessary, expedient and efficient for the City Manager to have authority to execute certain contracts and agreements on behalf of the City without specific Council approval in order effectively conduct the business of the City of Asheville, and City Council has previously adopted a resolution (Resolution 11-62) delegating such authority; and

WHEREAS, Council deems it advisable to amend and modify the Purchasing and Contracting policy adopted under Resolution 11-62, in order to ensure the policy is consistent with other recently adopted City policies and state, federal, and local law;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Resolution 11-62 is hereby amended and adopted, as set forth in the policy revision date of December 8, 2020;

2. The City Manager may make amendments and modifications to the Purchasing and Contracting Policy in a manner not inconsistent with Council's policy goals. Modifications and amendments made by the City Manager shall exclude modifications to:
    a. Contract approval thresholds as codified by Resolution 11-62;
    b. The threshold of contracts reviewed under the Asheville Business Inclusion Policy;
    c. Delegation of authority to the City Manager under Resolution 11-62;
    d. Delegation of authority to the City Purchasing Manager under Resolution 98-118; and
    e. The procurement types governed by the Purchasing and Contracting policy.

    Any modifications to the excluded items listed above shall be brought before the City Council for consideration and approval; and

3. Should any section or provision of this policy be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this policy as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

4. The policy amendments and modifications dated December 8, 2020, shall not go into effect before January 1, 2021.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bulleson
CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-214

RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN A SIDEWALK EASEMENT OVER REAL PROPERTY LOCATED AT 117 ONTEORA BOULEVARD.

WHEREAS, pursuant to N.C.G.S. § 40A-3, the City of Asheville has authority to obtain interests in real property through the exercise of eminent domain; and

WHEREAS, the City plans to construct a sidewalk along Onteora Boulevard; and

WHEREAS, the City's planned sidewalk construction project requires that it obtain a sidewalk easement across 117 Onteora Boulevard; and

WHEREAS, the most recent owner of 117 Onteora Boulevard, Margetta Deese, is deceased, and the City has been unable to make contact with Ms. Deese's heirs or representatives;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Attorney, on behalf of the City of Asheville, is hereby authorized to condemn a sidewalk easement over real property located at 117 Onteora Boulevard.

Read, approved, and adopted this 8th day of December 2020.

Magdalen Bulleson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-215

RESOLUTION AUTHORIZING A NEW LICENSE AGREEMENT BETWEEN T-MOBILE SOUTH LLC AND THE CITY OF ASHEVILLE AT 300 MERRIMON AVENUE

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for communication purposes upon such terms and conditions as the council sees fit, for periods of up to 25 years; and

WHEREAS, the City of Asheville is the owner of real property located at 300 Merrimon Avenue in Asheville, NC; and

WHEREAS, T-Mobile South LLC, a telecommunications company, has requested to extend their license agreement for at least five more years with one five-year renewal at 300 Merrimon Avenue in Asheville, NC under similar terms and conditions as the existing agreement; and

WHEREAS, the City Council of the City of Asheville proposes to accept/approve the license agreement and the aforementioned terms,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a License Agreement between T-Mobile South LLC, and the City of Asheville for property located at 300 Merrimon Avenue in Asheville, NC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bullerson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 20-216

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, former Councilwoman Mayfield has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilwoman Sage Turner be and she is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve as the City Council voting member according to the length of her Council term of office.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Burleson
CITY CLERK

Esther Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 20-217

RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, former Councilwoman Julie Mayfield has resigned as the ex-officio non-voting City Council member on the Buncombe County Tourism Development Authority, thus creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilwoman Sandra Kilgore be and she is hereby appointed to serve as the ex-officio, non-voting City Council member on the Buncombe County Tourism Development Authority according to the length of her Council term of office.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bullerson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

RESOLUTION NO. 20-218

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, former Councilman Keith Young has resigned as the ex-officio non-voting City Council member on the Citizens-Police Advisory Committee, thus creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilwoman Kim Roney be and she is hereby appointed to serve as the ex-officio, non-voting City Council member on the Citizens-Police Advisory Committee according to the length of her Council term of office.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Boulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Boulleson
City Clerk

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RESOLUTION NO. 20-219

RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

WHEREAS, former Councilman Haynes has resigned as a member of the Downtown Commission, thus creating a vacancy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilwoman Sage Turner be and she is hereby appointed to the Downtown Commission to serve as the City Council voting member according to the length of her Council term of office.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-220

RESOLUTION AUTHORIZING THE ASHEVILLE POLICE DEPARTMENT TO RENEW THE BODY WORN CAMERA/TASER AGREEMENT WITH AXON FOR AN ADDITIONAL FIVE YEARS

WHEREAS, the City of Asheville Police Department (APD) is nearing the end of the initial 5 year agreement with Axon for the Body Worn Camera/Taser program; and

WHEREAS, Axon has offered APD reduced pricing to renew if the new 5 year agreement is finalized by December 31, 2020; and

WHEREAS, Axon is the current vendor for the body worn camera/taser program and utilizes pricing per the OMNIA cooperative contract; and

WHEREAS, this new contract provides increased third party storage, and

WHEREAS, the APD's body-worn camera program strengthens agency accountability, helps resolve officer involved incidents, identifies and corrects potential internal agency problems, and accurately documents and captures on-scene events.

WHEREAS, the total cost of continuing our agreement for another 5 years is $1,862,664.90;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to renew the Police Department's agreement for an additional five years with Axon for the Body Worn Camera/Taser program.

Read, approved and adopted this the 8th day of December, 2020.

Magdalen Bresson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bresson
City Clerk

RESOLUTION NO. 20-221

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONTRACT WITH SCHNABEL ENGINEERING SOUTH FOR WORK ASSOCIATED WITH THE NORTH FORK AUXILIARY SPILLWAY AND DAM IMPROVEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, Schnabel Engineering South was selected by Staff via a qualifications based process to perform design and construction administration; and

WHEREAS, the City of Asheville entered into a contract with Schnabel Engineering South on April 28, 2015 for Engineering Design/Permitting and Construction Services for the North Fork Auxiliary Spillway and Dam Improvements project.

WHEREAS, the use of Schnabel Engineering South will utilize the most qualified firms to ensure timely completion and fulfill compliance with scope of services for the North Fork Auxiliary Spillway and Dam Improvements project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute the change order to the contract with Schnabel Engineering South for engineering design/permitting and construction services for $197,398; and a total contract cost for this project of $4,547,568.

Read, approved, and adopted this 8th day of December 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-222

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH DAIKIN APPLIED AMERICAS INC. FOR CHILLER SERVICE AT HARRAH'S CHEROKEE CENTER ASHEVILLE FOR A PERIOD OF ONE ADDITIONAL YEAR

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with Daikin Applied Americas for the HCCA Chiller Service Agreement; and

WHEREAS, the City of Asheville desires to amend the above-referenced contract to extend the contract term for an additional one-year and increase the contract amount by an additional $26,722.00 ; and

WHEREAS, funding for said work is included in the current fiscal budget of the Harrah's Cherokee Center Division;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the contract for chiller service at Harrah's Cherokee Center Asheville with Daikin Applied Americas Inc. to extend the contract for a period of one year and to increase the contract amount, with a maximum amount not to exceed $101,862.00.

Read, approved, and adopted this 8th day of December 2020.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION 20-223

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT PROPOSALS IN RESPONSE TO THE CALL FOR PROJECTS ISSUED BY THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION AND TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 2020 SECTION 5310 AND JARC GRANT PROGRAMS, AND IF SUCCESSFUL,TO EXECUTE ALL DOCUMENTS AND AGREEMENTS NEEDED TO ACCEPT AND APPROPRIATE SAID FUNDS

WHEREAS, pursuant to N.C.G.S.§ 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has announced a Call for Projects for the Federal Transit Administration Fiscal Year (FY) 2020 Section 5310 and JARC Grant Programs; and

WHEREAS, the City has identified projects that would be eligible for these funding programs and would help fund the operating cost of paratransit and Route 170 fixed-route services; and

WHEREAS, the Federal Transit Administration will reimburse grant applicants for up to 50 percent of JARC operating costs and 80 percent of 5310 projects implemented with these funding programs; and

WHEREAS, the local match would come from the City of Asheville Transit Operating budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

City Council approve a resolution authorizing the City Manager to submit grant applications to FBRMPO, to apply to the Federal Transit Administration for:

- FY 2020 Section 5310 funds in the amount of $166,832, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue and the City match in the Proposed FY21-22 Budget.

- FY 2020 JARC (Section 5307) funds in the amount of $231,558, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue and the City match in the FY21-22 Proposed Budget.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-224

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAMS OF THE U. S. DEPARTMENT OF JUSTICE FOR THE 2020 EDWARD BYRNE JUSTICE ASSISTANCE GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the City of Asheville receives an annual opportunity to apply for a United States Department of Justice (DOJ), Edward Byrne Justice Assistance Grant; and

WHEREAS, the DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a grant of $62,044, with $48,926 allocated to the APD and $13,118 allocated to the Buncombe County Sheriff's Office (BCSO); and

WHEREAS, the APD will use the funds to pay for Windham rifles, and the BCSO will use the funds to purchase Forensic and CNT equipment and supplies purchases;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply, and if awarded, accept and enter into an agreement with the U.S. Department of Justice for an Edward Byrne Justice Assistance Grant in the amount of $62,044, with the expectation that $48,926 will be allocated to the Asheville Police Department, and $13,118 will be distributed to the Buncombe County Sheriff's Office.

Read, approved and adopted this the 8th day of December, 2020.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

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RESOLUTION NO. 20-225

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE U. S. DEPARTMENT OF JUSTICE FOR THE 2020 BULLETPROOF VEST PARTNERSHIP GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the City of Asheville receives an annual opportunity to apply for a United States Department of Justice (DOJ), Bulletproof Vest Partnership Grant (BVP); and

WHEREAS, the DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a grant of $35,280 which requires a dollar for dollar match by the City; and

WHEREAS, the APD will use the funds to purchase 96 bulletproof vests over the 2 year life of the grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the U.S. Department of Justice for a Bulletproof Vest Partnership Grant in the amount of $35,280.

Read, approved and adopted this the 8th day of December, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-226

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY KNOWN AS VELVET STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR JANUARY 12, 2021

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of right of way known as Velvet Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion of right-of-way known as Velvet Street, described as:

   Beginning at a calculated point in the northwest margin right-of-way over Velvet Street and lying S 49°14'36" W, a distance of 162.81' from a #5 rebar with "two point" cap with North Carolina grid coordinates of northing: 689,674.24' easting: 945,077.86' NAD '83 (2001) being shown on the eastern line of Tract B as recorded in Plat Book 200 page 104; thence with a curve to the left with a radius of 96.26', a chord bearing of S 33°37'07" W, and a chord length of 51.85' to a calculated point; thence S 89°17'11" W, a distance of 8.65' to a calculated point; thence with a curve to the left with a radius of 161.55', a chord bearing of S 63°28'03" W, and a chord length of 34.20' to a calculated point; thence N 49°14'36" E, a distance of 89.71' to the point and place of beginning and containing 0.010 acres, 418 sq. ft.

2. A public hearing on the question of permanently closing a right-of-way known as Velvet Street is hereby called for on Tuesday, January 12, 2021, at the regular meeting of City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on January 12, 2021.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along a portion of right of way known as Velvet Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved, and adopted this 8th day of December 2020.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 20- 227

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF COURTLAND AVENUE AND HOUSTON STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR JANUARY 12, 2021

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion right of way at the intersection of Courtland Avenue and Houston Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion of right-of-way at the intersection of Courtland Avenue and Houston Street described as follows:
beginning at a point on PIN # 9639-90-3085 and ending on the same property for a total of 275 sq. ft., and on PIN # 9639-90-3979 beginning at a point on Houston St. and continuing south and ending at a point on Courtland Ave. for a total of 1,299 sq. ft.

2. A public hearing on the question of permanently closing a portion of right-of-way at the intersection of Courtland Avenue and Houston Street is hereby called for January 12, 2021, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on January 12, 2021.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along the right-of-way at the intersection of Courtland Avenue and Houston Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affected by the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved, and adopted this 8th day of December 2020.

Magdalen Bowerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 20-228

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR JANUARY 12, 2021

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened of right of way known as Trade Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion of right-of-way known as Trade Street, described as: 8,458.89 sq. ft. of unopened right-of-way that is situated between PIN # 9638-98-2756 and PIN # 9638-98-3860. This right-of-way extends from the southern portion of Trade St. to the northern portion of West Haywood St.

2. A public hearing on the question of permanently closing the right-of-way known as Trade Street is hereby called for on Tuesday, January 12, 2021, at the regular meeting of City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on January 12, 2021.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along an unopened right-of-way-of-way known as Trade Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved, and adopted this the 8th day of December 2020.

Magdalen Bradley
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

RESOLUTION 20-229

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA AMENDING THE RESOLUTION RELATED TO $25,000,000 GENERAL OBLIGATION BOND OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the *"City"*) issued its General Obligation Bond, Series 2020 in an aggregate principal amount of $25,000,000 (the "*Bond*") on June 10, 2020 in accordance with the terms of a resolution adopted by the City Council of the City (the "City Council") on May 26, 2020 (the *"Bond Resolution"*);

WHEREAS, the Bond was purchased by, and is currently owned by, Bank of America, N.A. (the *"Owner"*) in accordance with a Bond Purchase and Advance Agreement dated June 10, 2020 (the *"Purchase Agreement"*) among the City, the Purchaser and the North Carolina Local Government Commission;

WHEREAS, the Owner has offered to adjust the interest rate on the Bond and other terms of the Bond that the City expects to result in significant savings and the City has determined to accept such offer;

WHEREAS, to effect such adjustments, the City Council has determined to amend the Bond Resolution in accordance with this Resolution and to approve an amendment to the Purchase Agreement;

WHEREAS, the Bond Resolution is being amended in accordance with Section 5.01 of the Bond Resolution with the consent of the Owner;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. In order to put into effect the adjustment to the interest rate on the Bond described above, the amendments to Appendix A to the Bond Resolution as set forth in the attached Amended and Restated Appendix A are in all respects approved and confirmed and shall become effective of the Rate Modification Date (as defined in Appendix A hereto) with the consent of the Owner of the Bond.

Section 2. The form and content of the amendment to the Purchase Agreement (the *"Purchase Agreement Amendment"*) substantially in the form and content available for inspection by the City Council are in all respects authorized, approved and confirmed, and the Mayor, the City Manager, the City Attorney, the Chief Financial Officer, the Treasurer and the City Clerk, including anyone serving in an interim capacity, or their respective designees (the "*Authorized Officers*") are authorized, empowered and directed to execute and deliver the Purchase Agreement Amendment, but with such changes, modifications, additions or deletions therein as the Authorized Officers may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the approval of the City Council.

Section 3. The Authorized Officers are hereby authorized to do any and all other things necessary to effect the transaction described in this Resolution to carry out the purpose and intent of the City Council as expressed in this Resolution. The Authorized Officers are hereby authorized, empowered and directed to execute, deliver and file all such documents as may be necessary to carry out and comply with the provisions of this Resolution, included the Amended and Restated Appendix A attached hereto and the Purchase Agreement Amendment. All acts and doings of the Authorized Officers that are in conformity with the purposes and intents of this Resolution and in the furtherance of the transaction described herein are in all respects approved and confirmed. Any provision in this Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 4. Except as otherwise expressly amended by the terms of this Resolution, including the Amended and Restated Appendix A which replaces the original Appendix A to the Bond Resolution, the terms of the Bond Resolution remain in full force and effect.

Section 5. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions hereof or of the Bond.

Section 6. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 7. That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bouleson
City Clerk

Esther E. Clark
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

AMENDED AND RESTATED
APPENDIX A

to

CITY OF ASHEVILLE, NORTH CAROLINA

RESOLUTION ADOPTED MAY 26, 2020
as amended by a Resolution adopted on December 8, 2020

Relating to the Issuance of

$25,000,000
General Obligation Bond, Series 2020
(Draw Program)

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ARTICLE I.

DEFINITIONS

Section 1.01. ***Meaning of Words and Terms***

The following terms, except where the context indicates otherwise, have the respective meanings set forth below:

"*Advance*" means all advances of the purchase price of the Bond made by the Purchaser under the Purchase Agreement on or before the Advance Termination Date.

"*Advance Termination Date*" has the meaning assigned to such term in Section 4.01.

"*Amortization Period*" means the period from the Full Funding Date until the Maturity Date.

"*Appendix A*" means this Appendix A which is attached to, and incorporated in, the Bond Resolution.

"*Bond*" means the up to $25,000,000 City of Asheville, North Carolina General Obligation Bond, Series 2020 issued pursuant to the Bond Resolution, including this Appendix A.

"Bond Orders" means, collectively, the Bond Order authorizing the City to issue general obligation bonds to finance certain transportation projects and the Bond Order authorizing the City to issue general obligation bonds to finance certain parks and recreation projects, each adopted by the City Council on August 9, 2016 and approved by a majority of voters at a referendum held on November 8, 2016.

"*Bond Resolution*" means the Resolution adopted by the City Council of the City on May 26, 2020 with respect to the Bond, which includes Appendix A thereto, as amended by the Resolution adopted by the City Council of the City on December 8, 2020, which includes this Appendix A, and any further amendments or supplements thereto.

"*Business Day*" means, with respect to the Bond, any day other than a Saturday or Sunday or a legal holiday on which commercial banks are authorized or required by law to be closed for business in Asheville, North Carolina.

"*Chief Financial Officer*" means the Chief Financial Officer of the City, the person performing the duties of the Chief Financial Officer or the official succeeding to the Chief Financial Officer's principal functions, serving as the finance officer of the City.

"*Closing Date*" means the date of initial issuance of the Bond.

"*Code*" means the Internal Revenue Code of 1986, as from time to time amended.

"*Commission*" means the Local Government Commission of North Carolina.

"Day Count" means (1) from the Closing Date to the day preceding the Rate Modification Date, actual days elapsed in a 360-day year and (2) commencing on the Rate Modification Date and thereafter, Actual/365 or 366 days, as applicable.

"Default Rate" means the Term Loan Interest Rate plus three percent (3%) per annum.

"*Determination of Taxability*" means, with respect to the Bond, a determination that all or a portion of the interest on the Bond is included in gross income of the Owner thereof for federal income tax purposes, as a result of an action, or failure to act, by the City, which determination shall be deemed to have been made upon the occurrence of the first to occur of the following: (1) the date on which such Owner is advised in writing by the Commissioner or any District Director of the Internal Revenue Service that, as a result of an action, or failure to act, by the City, all or a portion of the interest on the Bond is included in the gross income of the Owner for federal income tax purposes; (2) the date on which the City receives notice from such Owner that the Owner has been advised in writing that the Internal Revenue Service has issued a statutory notice of deficiency or similar notice to the Owner which asserts, in effect, that all or a portion of the interest with respect to the Bond received by the Owner is included in the gross income of the Owner for federal income tax purposes, as a result of an action, or failure to act, by the City; (3) the date on which the City is advised in writing by the Commissioner or any District Director of the Internal Revenue Service that there has been issued a public or private ruling of the Internal Revenue Service that all or a portion of the interest on the Bond is included in the gross income of the Owner thereof for federal income tax purposes as a result of an action, or failure to act, by the City; or (4) the date on which the City is advised in writing by counsel to the Owner of the Bond that a final determination, from which no further right of appeal exists, has been made by a court of competent jurisdiction in the United States of America in a proceeding with respect to which the City has been given written notice and an opportunity, at the expense of the City, to participate and defend that interest on the Bond is included in the gross income of such Owner for federal income tax purposes, as a result of an action, or failure to act, by the City.

"Event of Default" has the meaning set forth in the Purchase Agreement.

"Fed Funds Rate" means for any day, the rate per annum equal to the weighted average of the rates on overnight federal funds transactions with members of the Federal Reserve System arranged by federal funds brokers on such day, as published by the Federal Reserve Bank of New York on the Business Day next succeeding such day; provided that (a) if such day is not a Business Day, the Federal Funds Rate for such day shall be such rate on such transactions on the next preceding Business Day as so published on the next succeeding Business Day, and (b) if no such rate is so published on such next succeeding Business Day, the Federal Funds Rate for such day shall be the average rate (rounded upward, if necessary, to a whole multiple of 1/100 of 1%) charged to the Owner on such day on such transactions, as determined by the Owner.

"*Full Funding Date*" means June 1, 2023.

"*Initial Term Interest Rate*" means with respect to each Interest Rate Period, (1) from the Closing Date to the day preceding the Rate Modification Date, a per annum rate of interest equal to the sum of (80% of the LIBOR Index) plus 1.38% per annum (138 bppa), and (2) commencing on the Rate Modification Date and thereafter, a per annum rate of interest equal to the SIFMA Index plus 0.58% per annum (58 bppa).

"*Initial Term Period*" means the period commencing on the Closing Date and ending on the Full Funding Date.

"*Interest Payment Date*" means the first Business Day of each month and any other date that interest is required to be paid on the Bond under the Purchase Agreement.

"*Interest Rate*" means, with respect to the Bond, (a) during the Initial Term Period, a per annum rate of interest equal to the Initial Term Interest Rate, and (b) during the Term Loan Period, the Term Loan Interest Rate; provided, however, that (1) upon a Determination of Taxability, the Bond will bear interest during the Taxable Period at a rate equal to the Taxable Rate, (2) upon the occurrence and during the continuation of an Event of Default (as defined in the Purchase Agreement), the Interest Rate shall be a per annum rate of interest equal to the Default Rate and (3) in no event shall the Interest Rate exceed the Maximum Rate.

"*Interest Rate Period*" means (1) before the Rate Modification Date, the period commencing on the Closing Date and ending on the day preceding the first LIBOR Index Reset Date, and thereafter commencing on each LIBOR Index Reset Date and ending on the day preceding the next succeeding LIBOR Index Reset Date and (2) on and after the Rate Modification Date, the period commencing on the Rate Modification Date and ending on the day preceding the first Rate Reset Date, and thereafter commencing on each Rate Reset Date and ending on the day preceding the next succeeding Rate Reset Date.

"*LIBOR Index*" means for any date, the rate per annum equal to the London Interbank Offered Rate (or a comparable or successor rate which is approved by the Purchaser), as published by Bloomberg (or other commercially available source providing quotations of such rate as selected by the Purchaser from time to time) as determined for each LIBOR Index Reset Date at approximately 11:00 a.m. London time two (2) London Banking Days prior to such LIBOR Index Reset Date, for U.S. Dollar deposits (for delivery on the first day of such interest period) with a term of one month, as adjusted from time to time in the Purchaser's sole discretion for reserve requirements, deposit insurance assessment rates and other regulatory costs; provided that (i) to the extent a comparable or successor rate is approved by the Purchaser in connection herewith, the approved rate shall be applied in a manner consistent with market practice; and provided further that to the extent such market practice is not administratively feasible for the Purchaser, such approved rate shall be applied in a manner otherwise reasonably determined by the Purchaser and (ii) if the LIBOR Index shall be less than zero, such rate shall be deemed zero for purposes hereof. For purposes of this definition, a "London Banking Day" is a day on which banks in London are open for business and dealing in offshore dollars.

"*LIBOR Index Reset Date*" means the first Business Day of the calendar month.

"*Mail*" means first-class United States mail, postage prepaid.

"*Maturity Date*" means June 1, 2026.

"*Maximum Rate*" means the lesser of (a) 20% per annum and (b) the maximum rate of interest permitted by applicable law.

"*Owner*" means the registered owner of the Bond.

"Paying Agent" means the Chief Financial Officer of the City, or her designee, or any successor appointed pursuant to Section 2.05.

"*Prepayment Date*" means the date on which the Bond or any portion thereof has been called for prepayment or is to be prepaid pursuant to this Appendix A.

"*Prime Rate*" means on any day, the rate of interest in effect for such day as publicly announced from time to time by the Purchaser as its "prime rate." The "prime rate" is a rate set by the Purchaser based on various factors including the Purchaser's costs and desired return, general economic conditions and other factors, and is used as a reference point for pricing some loans, which may be priced at, above, or below such announced rate. Any change in such rate announced by the Purchaser shall take effect at the opening of business on the day specified in the public announcement of such change.

"*Principal Amount*" means the sum of all Advances less any prepayment of the Bond. Advances and prepayments shall be recorded (which records may be electronic) on the Table of Advances and Table of Partial Prepayments attached to the Bond, however failure to record an Advance or prepayment shall not affect the Principal Amount outstanding under the Bond.

"*Projects*" means the transportation projects and parks and recreation projects financed with the proceeds of the Bond in accordance with the authority provided under the respective Bond Orders.

"*Purchase Agreement*" means the Bond Purchase and Advance Agreement to be dated on or about June 10, 2020 among the City, the Purchaser and the Commission, as amended.

"*Purchaser*" means Bank of America, N.A., as the initial Owner of the Bond, and its successors and assigns.

"Rate Modification Date" means January 4, 2021.

"Rate Reset Date" means Thursday of each week (published on Wednesday for the following Thursday for a seven day period through the following Wednesday).

"SIFMA Index" means, for any date computed, the level of the index which is issued weekly and which is compiled from the weekly interest rate resets of tax-exempt variable rate issues included in a database maintained by Municipal Market Data which meet specific criteria established from time to time by the Securities Industry and Financial Markets Association and issued on Wednesday of each week, or if any Wednesday is not a Business Day, the next succeeding Business Day.

If the SIFMA Index is no longer published, then *"SIFMA Index"* shall mean the S&P Weekly High Grade Index. If the S&P Weekly High Grade Index is no longer published, then *"SIFMA Index"* shall mean the prevailing rate determined by the Purchaser for tax-exempt state and local government bonds meeting criteria determined in good faith by the Purchaser to be comparable under the circumstances to the criteria used by the Securities Industry and Financial Markets Association to determine the SIFMA Index immediately prior to the date on which the Securities and Financial Markets Association ceased publication of the SIFMA Index. If SIFMA Index shall be less than zero, such rate shall be deemed zero for purposes of the determining the interest rate on the Bond.

"*Stated Principal Amount*" means $25,000,000.

"*Taxable Period*" means the period beginning on the date interest on the Bond first becomes subject to inclusion in gross income as a result of a Determination of Taxability, and ends on the date (if any) such interest is no longer included in gross income.

"*Taxable Rate*" means a per annum rate of interest equal to the product of the Interest Rate multiplied by the Taxable Rate Factor.

"*Taxable Rate Factor*" means 1.27.

"*Term Loan Period*" means the period, if any, commencing on June 1, 2023 and ending on the earlier of the Maturity Date or the date the Bond has been prepaid in whole prior to maturity.

"*Term Loan Interest Rate*" means the greater of (i) the Prime Rate plus 1.00%, (ii) the Fed Funds Rate plus 2.00% and (iii) 7.0%; provided that the Term Loan Interest Rate shall not exceed the Maximum Rate.

ARTICLE II.

AUTHORIZATION, FORM, ISSUANCE, DELIVERY AND REGISTRATION OF BOND

Section 2.01. ***Authorization of the Bond***

. There is hereby authorized the issuance of a general obligation bond, designated *"City of Asheville, North Carolina General Obligation Bond, Series 2020."* The Bond is being issued to provide funds to pay the costs of the Projects and costs of issuing the Bond, under and in accordance with the Bond Orders. No Bond may be issued under the provisions of the Bond Resolution, including this Appendix A, except in accordance with this Article. The total principal amount of the Bond that may be issued and Outstanding is hereby expressly limited to the Stated Principal Amount.

Section 2.02. ***Issuance of the Bond***

. The Bond will be issuable as fully registered bond in the Stated Principal Amount. The Bond will be numbered R-1 and will be substantially in the form set forth in Exhibit A with such appropriate variations, omissions and insertions as are permitted or required by this Appendix A. The execution and delivery of the Bond by the City under the Bond Resolution is conclusive evidence of the approval of the form of the Bond by the City Council, including any insertions, omissions, variations, notations, legends or endorsements authorized by the Bond Resolution. The Bond may be executed with the use of facsimile signatures and seals, if any, but at least one manual signature (which may be the signature of the representative of the Commission to the Commission's certificate) must appear on the Bond.

Section 2.03. ***Details of the Bond; Payment***

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(a) The Bond will mature, subject to prepayment as set forth herein, on the Maturity Date and will bear interest at the Interest Rate (computed on the basis of the Day Count). Interest payable on the Bond shall be determined based on the Principal Amount of the Bond. The amount of interest payable on each Interest Payment Date shall be calculated by the Purchaser.

The Purchaser, or subsequent Owner of the Bond, will give written notice to the Paying Agent on or before each Interest Payment Date of the amount of interest payable on the Bond on such Interest Payment Date. Interest on the Bond will be payable in arrears. The Paying Agent may completely rely on Purchaser for interest rate calculations on the Bond.

If a Determination of Taxability occurs with respect to the Bond, to the extent the interest borne by such Bond becomes subject to inclusion in gross income, then the principal amount outstanding of such Bond will bear interest during the Taxable Period at the Taxable Rate, such rate not to exceed the Maximum Rate. In such an event, the City shall also be responsible for payment of any interest, penalties or charges owed by the Purchaser as a result of interest becoming includable in the gross income of the Purchaser, together with any and all reasonable attorneys' fees, court costs or other out-of-pocket costs incurred by the Purchaser in connection therewith.

Notwithstanding the foregoing provisions of this section, on the occurrence and continuation of an Event of Default under the Purchase Agreement with respect to the Bond, from and after the effective date of such Event of Default, the interest rate on the Bond will be established at all times equal to the Default Rate, such rate not to exceed the Maximum Rate.

(b) The faith and credit of the City is pledged for the payment of the Bond.

The Bond shall be registered as to principal and interest, and the Paying Agent, on behalf of the City, is directed to maintain the registration records with respect thereto. Principal of and interest on the Bond shall be payable to the registered owner appearing on the registration records by wire transfer or by check, mailed to such registered owner at its address or in accordance with the wire instructions, as applicable, as it appears on such registration books and shall be received by the registered owner on the date such payment is due.

Actions taken by officials of the City to select paying and transfer agents, and a bond registrar, or alternate or successor agents and registrars pursuant to Section 159E-8 of the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, are hereby authorized and approved.

(c) Both the principal of and the interest on the Bond are payable in any lawful coin or currency of the United States of America which on the respective dates of payment thereof is legal tender for the payment of public and private debts. The Bond shall bear interest from its date until the Principal Amount has been paid, but if the Bond has matured or has been called for prepayment and the Prepayment Date has occurred and funds are available for the payment thereof in full in accordance with the terms of the Bond Resolution, such Bond shall then cease to bear interest as of the maturity date or Prepayment Date, as applicable. The Bond will be dated as of its date of issuance, except that a Bond issued in exchange for or on the registration of transfer of the Bond will be dated as of the Interest Payment Date next preceding the date of authentication thereof, unless (1) the date of such authentication precedes the first Interest Payment Date, in which case it will be dated as of the date of the initial issuance of the Bond or (2) the date of such authentication is an Interest Payment Date to which interest on the Bond has been paid in full or duly provided for in accordance with the terms of this Appendix A, in which case it will be dated as of such Interest Payment Date; except that if interest on the Bond is in default, the Bond executed and delivered in exchange for or on registration of transfer of the

Bond will be dated as of the date to which interest on the Bond has been paid in full. If no interest has been paid on the Bond, the Bond executed and delivered in exchange for or on the registration of transfer of the Bond will be dated as of the initial issuance of the Bond.

Section 2.04. ***Restriction on Transfer of the Bond***

. The Bond is non-transferable, except to a bank, insurance company or similar financial institution or any other entity approved by the Commission. The Owner will give written notice to the City and the Paying Agent if any transfer of the ownership of the Bond occurs and the Paying Agent will record such new Owner on the registration books for the Bond. The City or the Paying Agent will have no obligation to pay any amounts due on the Bond to anyone other than the Owner of the Bond as shown on the registration books kept by the Paying Agent, on behalf of the City. The Paying Agent is not required to record a transfer of the ownership of the Bond unless it receives an opinion of counsel as to the qualification for transfer under Section 2.04.

Section 2.05. ***Paying Agent***

. The Chief Financial Officer of the City is hereby appointed as the initial Paying Agent for the Bond. The Chief Financial Officer of the City may appoint a successor Paying Agent at any time. The Paying Agent shall keep the books of the City for payment of the Bond as provided in this Appendix A. Such books shall be available at all reasonable times for inspection by the City. Certain provision of this Appendix A and the Bond will only be applicable to the extent a successor Paying Agent is appointed and the Paying Agent is not the Chief Financial Officer of the City, as the context may require.

The City will transfer the amount necessary, or otherwise cause such amount to be available, to the Paying Agent, if applicable, on or before the date required to pay principal of, premium, if any, and interest on the Bond and the Paying Agent will transfer to the Owner the payment of principal of, premium, if any, and interest on the Bond when due. The Paying Agent shall treat the Purchaser as the Owner of the Bond for all purposes under the Resolution and this Appendix A unless a transfer occurs in accordance with Section 2.04. The Paying Agent will have no responsibility to make payment of principal of, premium, if any, and interest on, the Bond, other than to the Purchaser as the initial Owner of the Bond or any subsequent Owner of the Bond as shown on the registration books.

Any successor Paying Agent may at any time resign and be discharged of the duties and obligations created by this Appendix A by giving at least 60 days' written notice to the City. The successor Paying Agent may be removed by the City at any time and be discharged of the duties and obligations created by this Appendix A by the Chief Financial Officer of the City giving at least 60 days' written notice to the Paying Agent. Any resignation or removal of the successor Paying Agent shall take effect on the day another successor Paying Agent has been appointed by the City and has accepted such appointment. If no successor Paying Agent is appointed within 60 days after a notice of resignation, the resigning party may appoint a successor or petition any court of competent jurisdiction to appoint a successor.

The City agrees to indemnify a successor Paying Agent, to the extent permitted by law, against any liability which it may incur while acting in good faith in its capacity as Paying Agent except for its own negligence or willful misconduct, such indemnification including, but not limited to, any court costs

and reasonable attorneys' fees. Any costs, fees or other expenses of a successor Paying Agent in the discharge of its duties under this Appendix A will be paid by the City.

ARTICLE III.

PREPAYMENT OF THE BOND

Section 3.01. ***Optional Prepayment of the Bond***

. The City may prepay the Bond, either in whole or in part, on any Business Day at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date.

Section 3.02. ***Mandatory Prepayment of the Bond***

. The City shall prepay the Bond in whole on the Full Funding Date at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date. If the City has provided to the Owner on a date that is not less than five (5) Business Days and not more than ten (10) Business Days prior to the Full Funding Date a certificate stating (A) no Event of Default, or any event which with the giving of notice or the passage of time or both would constitute an Event of Default shall have occurred and be continuing and (B) the representations and warranties set forth in the Purchase Agreement are true and correct on the Full Funding Date as if made on such date, then the City is eligible for the Amortization Period and shall instead pay to the Owner the outstanding Principal Amount of the Bond as of such date (the "*Amortization Amount*") in annual installments payable in semi-annual increments on the six-month anniversary of the Full Funding Date and semi-annually thereafter so that the Amortization Amount is repaid in approximately six (6) equal semi-annual principal payments by the end of the Amortization Period. Any Principal Amount remaining unpaid on the Maturity Date shall be due and payable on the Maturity Date. The Bond will bear interest during the Term Loan Period at the Term Loan Interest Rate.

Section 3.03. ***Notice of Prepayment***

. The City will provide written notice of the optional prepayment of the Bond not less than 35 days (or such lesser number of days as the Owner may accept), (1) to the Commission and the Paying Agent, if applicable, by Mail or electronic transmission, and (2) by Mail (or by such other means as may be permitted by the Owner) to the then-registered Owner of the Bond at the last address shown on the registration books kept by the City.

Failure to provide such notice to the Commission and the Paying Agent will not affect the validity of any proceedings for such prepayment.

Section 3.04. ***Record of Prepayment***

. The Owner will record any prepayments of the Bond on the Table of Partial Prepayments attached to the Bond (or otherwise kept on the Owner's official books and records, which may be electronic records). The Paying Agent may completely rely on the City and the Owner for any prepayments and notations thereof.

ARTICLE IV.

ADVANCES

Section 4.01. ***Advance of Bond Proceeds***

. The City acknowledges and agrees that prior to the earliest to occur of (a) the date when the sum of the aggregate Advances made hereunder equals the Stated Principal Amount, (b) the date on which the Purchaser's obligation to make Advances under the Purchase Agreement terminates (as reflected in a written notice delivered by the Purchaser to the City) or (c) the Full Funding Date (the "*Advance Termination Date*"), the proceeds of the Bond will be disbursed in installments through the making of Advances by the Purchaser in accordance with the Purchase Agreement. The Chief Financial Officer, or her designee, will indicate as part of each Advance the amount to be applied against each Bond Order. The date and amount of each Advance shall be noted on the Table of Advances attached to the Bond (or otherwise kept on the Purchaser's official books and records, which may be electronic records); *provided* that the failure to record any such Advance on the Table of Advances shall not affect the Principal Amount due. In no event may the total amount of all Advances exceed the Stated Principal Amount. Following the Advance Termination Date, no additional Advances may be made. On the Advance Termination Date, the positive difference, if any, between the Stated Principal Amount and the aggregate principal amount of all Advances made under the Purchase Agreement shall be deemed to have been prepaid automatically and without any further notice or act by the City or any other Person. Any such automatic prepayment of principal shall not be taken into consideration in determining the Principal Amount of the Bond and shall not be recorded on the Table of Partial Prepayment attached to the Bond. The City will give written notice to the Paying Agent, if applicable, of each Advance. The Paying Agent may completely rely on the City and the Purchaser for dates and amounts of Advances.

Section 4.02. ***Application of Bond Proceeds***

. The Chief Financial Officer, or her designee, is hereby directed to create and establish a special fund into which the proceeds from the sale of the Bond will be deposited (the *"Project Fund"*). The proceeds from each Advance will be deposited by the Purchaser with the City, and the City shall deposit such amounts in the Project Fund. The Chief Financial Officer or her designee, will invest and reinvest any moneys held in the Project Fund as permitted by the laws of the State of North Carolina and the income, to the extent permitted by the Code, is to be retained in the Project Fund and applied with the proceeds of the Bond to pay the costs of the Projects. The Chief Financial Officer will ensure that the proceeds of an Advance (or portion thereof) relating to the Bond Order authorizing the City to issue general obligation bonds to finance certain transportation projects (and any earnings thereon) will be spent only on such transportation projects and that the proceeds of an Advance (or portion thereof) relating to the Bond Order authorizing the City to issue general obligation bonds to finance certain parks and recreation projects will be spent only on such parks and recreation projects. The Paying Agent, on behalf of the City, shall keep and maintain adequate records pertaining to the Project Fund and all disbursements therefrom so as to satisfy the requirements of the laws of the State of North Carolina and to assure that the City expends the proceeds of the Advances in accordance with the Bond Orders and maintains its covenants with respect to the exclusion of the interest on the Bond from gross income for purposes of federal income taxation. The proceeds of the Bond in the Project Fund, including the investment earnings thereon, if any, will be applied to the payment of costs of the Projects.

ARTICLE V.

AMENDMENTS

Section 5.01. ***Amendments to Bond Resolution***

. After the issuance of the Bond, portions of the Bond Resolution, including this Appendix A, may be amended or supplemented, from time to time, without the consent of the Owner of the Bond if, in the opinion of nationally recognized bond counsel, such amendment or supplement would not adversely affect the interests of the Owner of the Bond and would not cause the interest on the Bond to be included in the gross income of a recipient thereof for federal income tax purposes; provided, however, if the Purchaser is the sole Owner of the Bond, any amendment to the Bond Resolution, including this Appendix A, requires the prior written consent of the Purchaser. All other amendments or supplements to this Resolution require the consent of the Owner of the Bond, including any amendment or supplement that would reduce the principal amount of the Bond, reduce the interest rate payable on it, extend its maturity or the times for paying interest, change the monetary medium in which principal and interest is payable.

Any act done pursuant to a modification or amendment consented to by the Owner of the Bond is binding on all Owners of the Bond and will not be deemed an infringement of any of the provisions of the Bond Resolution, whatever the character of the act may be, and may be done and performed as fully and freely as if expressly permitted by the terms of the Bond Resolution, and after consent has been given, no Owner of the Bond has any right or interest to object to the action, to question its propriety or to enjoin or restrain the City from taking any action pursuant to a modification or amendment. If a successor Paying Agent has been appointed, the Bond Resolution, including Appendix A, may not be amended to expand the duties of Paying Agent or that are otherwise adverse to the Paying Agent without the prior written consent of the Paying Agent.

ARTICLE VI.

MISCELLANEOUS PROVISIONS

Section 6.01. ***Headings***

. Any heading preceding the text of the several articles hereof, and any table of contents or marginal notes appended to copies hereof, are solely for convenience of reference and does not constitute a part of this Appendix A or affect its meaning, construction or effect.

Section 6.02. ***Holidays***

. Except as otherwise provided herein, whenever any payment or action to be made or taken hereunder is stated to be due on a day which is not a Business Day, such payment or action will be made or taken on the next following Business Day, and such extension of time will be included in computing interest, if any, in connection with such payment or action.

Section 6.03. ***Report to the Commission***

. The City agrees to provide the Commission staff with notification of each Advance from the bond authorization under the Bond Orders and submit to Commission staff written confirmation within four Business Days of a Request for Advance pursuant to the Purchase Agreement. The City may provide such notification by submitting a copy of the Request for Advance to the Commission staff. As of June 30 of each year the City will provide to the Commission a report showing the outstanding Principal Amount of the Bond. On request, the City will send a report to the Commission demonstrating anticipated cash flow requirements for the Projects that the City anticipates financing with proceeds of the Bond during the next fiscal year.

Section 6.04. ***No Recourse Against Members, Officers or Employees of the City or the Commission***

. No recourse under, or on, any statement, obligation, covenant, or agreement contained in the Bond Resolution, in any Bond, or in any document or certification relating to the Bond, or under any judgment obtained against the City or the Commission or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise or under any circumstances, is to be had against any member, officer or employee, as such, of the City or the Commission, either directly or through the City, the Commission, or otherwise, for the payment for or to the City or the Commission or any receiver of the City or the Commission, or for, or to, any Owner or otherwise, of any sum that may be due and unpaid on any such Bond. Any and all personal liability of every nature, whether at common law or in equity or by statute or by constitution or otherwise, of any such member, officer or employee, as such, to respond by reason of any act or omission on his or her part or otherwise, for the payment for, or to, the City or the Commission or any receiver of the City or the Commission, or for, any Owner or otherwise, of any sum that may remain due and unpaid on the Bond hereby secured or any of them, is hereby expressly waived and released as an express condition of, and in consideration for, the adoption of the Bond Resolution and the issuance of the Bond.

Section 6.05. ***Governing Law***

. The Bond Resolution, including this Appendix A, is governed by and to be construed in accordance with the laws of the State of North Carolina.

Section 6.06. ***Amendment and Restatement***

. This Appendix A amends and restates in its entirety the original Appendix A adopted as part of the Bond Resolution adopted on May 26, 2020.

[End of Appendix A]

EXHIBIT A

FORM OF BOND

NO OFFERING CIRCULAR OR MEMORANDUM, OFFICIAL STATEMENT OR OTHER DISCLOSURE DOCUMENT HAS BEEN PREPARED OR PROVIDED BY THE CITY IN CONNECTION WITH THE OFFERING AND SALE OF THIS BOND. THIS BOND, EXCEPT FOR PERMITTED TRANSFERS AS SET FORTH HEREIN, IS NON-TRANSFERABLE

CITY OF ASHEVILLE, NORTH CAROLINA
GENERAL OBLIGATION BOND, SERIES 2020

No. R-1 **$25,000,000**

INTEREST RATE	DATED DATE	MATURITY DATE
Variable	**June 10, 2020**	**June 1, 2026**

REGISTERED OWNER: BANK OF AMERICA, N.A.

STATED PRINCIPAL AMOUNT: TWENTY FIVE MILLION DOLLARS

The City of Asheville, North Carolina (the "*City*"), a municipal corporation of the State of North Carolina (the "*State*"), for value received, promises to pay, but solely from the sources and in the manner hereinafter provided, to the Owner named above the Stated Principal Amount set forth above or the Principal Amount (as hereinafter defined), whichever is less, on the Maturity Date set forth above (or earlier as hereinafter described). This Bond is issued in accordance with the Registered Public Obligations Act, Chapter 159E of the General Statutes of North Carolina, and under The Local Government Finance Act (the *"Act"*), and the following bond orders: the Bond Order authorizing the City to issue general obligation bonds to finance certain transportation projects and the Bond Order authorizing the City to issue general obligation bonds to finance certain parks and recreation projects, each adopted by the City Council on August 9, 2016 and approved by a majority of voters at a referendum held on November 8, 2016. This Bond is being issued to provide funds to pay the capital costs of the projects authorized under the above-described Bond Orders. The Bond is issued under a Resolution (as amended or supplemented from time to time, the *"Bond Resolution"*), adopted on May 26, 2020, by the City Council of the City. Reference is hereby made to the Bond Resolution for the rights, duties and obligations of the City and the rights of the Owner of the Bond, and, by the acceptance of this Bond, the Owner hereof assents to all of the provisions of the Bond Resolution. Capitalized terms used herein and not defined have the meaning ascribed to them in the Bond Resolution.

The City further promises to pay such Owner at the address as it appears on the registration books kept by the Paying Agent, which is initially the Chief Financial Officer of the City and subsequently any successor appointed in accordance with the Bond Resolution, interest at the Interest Rate described in the Bond Resolution and the Purchase Agreement on the lesser of (1) the Stated Principal Amount or (2) the sum of the Advances made by the Purchaser pursuant to the Bond Resolution and the Purchase Agreement (less any amount of the Bond prepaid) and as reflected in the "Table of Advances" attached hereto or kept in the Owner's records (which may be electronic records) (the "*Principal Amount*"). Interest on this Bond will be payable on the first Business Day of each month (each an "*Interest Payment*

Date") from the Interest Payment Date next preceding the date of authentication (unless (1) the date of such authentication precedes the first Interest Payment Date, in which case interest with respect thereto shall be payable from the date of issuance of this Bond or (2) the date of such authentication is an Interest Payment Date to which interest on this Bond has been paid in full or duly provided for in accordance with the terms of the Bond Resolution, in which case interest with respect thereto shall be payable from such Interest Payment Date) until the Principal Amount shall have been paid or provided for in accordance with the Bond Resolution.

The City may prepay this Bond, either in whole or in part, on any Business Day at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date.

The City shall prepay this Bond in whole on the Full Funding Date at a prepayment price equal to 100% of the principal amount thereof, without premium, plus the accrued interest thereon to the Prepayment Date. However, if the City has provided to the Owner on a date that is not less than five (5) Business Days and not more than ten (10) Business Days prior to the Full Funding Date a certificate stating (A) no Event of Default, or any event which with the giving of notice or the passage of time or both would constitute an Event of Default shall have occurred and be continuing and (B) the representations and warranties set forth in the Purchase Agreement are true and correct on the Full Funding Date as if made on such date, then the City is eligible for the Amortization Period and shall instead pay to the Owner the outstanding Principal Amount of the Bond as of such date (the "*Amortization Amount*") in annual installments payable in increments on the six-month anniversary of the Full Funding Date and semi-annually thereafter so that the Amortization Amount is repaid in approximately six (6) equal semi-annual principal payments by the end of the Amortization Period. Any Principal Amount remaining unpaid on the Maturity Date shall be due and payable on the Maturity Date. The Bond will bear interest during the Term Loan Period at the Term Loan Interest Rate.

The City will provide written notice of the optional prepayment of this Bond not less than 35 days (or such lesser number of days as the Owner may accept), (1) to the Commission and the Paying Agent, if applicable, by Mail or electronic transmission, and (2) by Mail (or by such other means as may be permitted by the Owner) to the then-registered Owner of this Bond at the last address shown on the registration books kept by the City.

Failure to provide such notice to the Commission and the Paying Agent will not affect the validity of any proceedings for such prepayment.

The Owner will record any prepayments of this Bond on the Table of Partial Prepayment attached to this Bond (or otherwise kept on the Owner's official books and records, which may be electronic).

This Bond is non-transferable, except to a bank, insurance company or similar financial institution or any other entity approved by the Commission. The City or the Paying Agent will have no obligation to pay any amounts due on this Bond to anyone other than the Owner of this Bond as shown on the registration books kept by the Paying Agent.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, and that the amount of this Bond, together with

all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes.

The faith and credit of the City are hereby pledged to the punctual payment of the principal of and interest on this Bond in accordance with its terms.

This Bond is not valid or obligatory for any purpose until the certification hereon has been signed by an authorized representative of the Local Government Commission.

IN WITNESS WHEREOF, the City of Asheville, North Carolina has caused this Bond to be executed with the manual or facsimile signatures of the Mayor and the City Clerk.

CITY OF ASHEVILLE, NORTH CAROLINA

By: _____
Mayor

[Seal]

By: _____
City Clerk

The issue hereof has been approved under the provisions of The Local Government Bond Act.

_____
Secretary of the Local Government Commission

FORM OF ASSIGNMENT

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

(Please print or typewrite Name and Address,
including Zip Code, and Federal Taxpayer Identification or
Social Security Number of Assignee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

Attorney to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

Signature guaranteed by:

NOTICE: Signature must be guaranteed by a participant of the Securities Transfer Agent Medallion Program ("*STAMP*") or similar program

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration, enlargement or any change whatever.

TRANSFER FEE MY BE REQUIRED

TABLE OF ADVANCES

Upon the making of any Advance described in Section 4.01 of the Bond Resolution, the Owner shall make the appropriate notation on the table below (or otherwise keep on the Owner's official books and records, which may be electronic):

Date	Amount of Advance	Total Principal Amount (following an Advance)	Signature of Representative of Owner

RESOLUTION NO. 20-230

RESOLUTION RATIFYING SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION TO THE EXISTING PARKING CITATION MANAGEMENT SERVICES CONTRACT BETWEEN THE CITY OF ASHEVILLE AND PASSPORT LABS, INC.

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, The City of Asheville entered into a contract with Passport Labs, Inc. on October 1, 2017 for parking citation management services; and

WHEREAS, the original contract expired on September 30, 2020 and did not include any renewal options; and

WHEREAS, at the expiration of the initial contract term Passport Labs, Inc. continued to rendered services to the City; and

WHEREAS, an extension of this contract, until February 28, 2021, and ratification of services rendered is necessary to continue use of services while terms of a new agreement are finalized;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby ratifies the services rendered to the City by Passport Labs, Inc., at the expiration of the initial contract term (September 30, 2020) to present, and authorizes the City Manager to extend contract # 91800137 with Passport Labs, Inc. through February 28, 2021, for continued parking citation management services.

Read, approved and adopted this the 8th day of December, 2020.

Magdalen Bowlesson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 20-231

RESOLUTION AUTHORIZING AMENDMENT TO INTERLOCAL AGREEMENT WITH AB-TECH AND BUNCOMBE COUNTY TO EXPAND THE JURISDICTION OF THE AB-TECH POLICE DEPARTMENT TO CERTAIN PROPERTY.

WHEREAS, pursuant to N.C. Gen. Stat. § 115D-21.1(a), the Board of Trustees of an institution of any community college in North Carolina that has a law enforcement agency established pursuant to N.C. Gen. Stat. § 115-21.1(b) may enter into a joint agreement with the governing board of a municipality where the college is located in order to expand the community college's law enforcement jurisdiction; and

WHEREAS, Asheville-Buncombe Technical Community College has a law enforcement agency that meets all the requirements of Chapter 17C of the North Carolina General Statutes and is established pursuant to N.C. Gen. Stat. § 115-21.1; and

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-445, 160A-461 and 160A-288, the City of Asheville may enter into contracts or agreements with other local governments in order to execute an undertaking; and

WHEREAS, the Board of Trustees of Asheville-Buncombe Technical Community College ("AB Tech"), City of Asheville ("City") and Buncombe County ("County") are parties to a Joint Agreement, dated October 14, 2014; and

WHEREAS, AB Tech and the City wish to amend their Joint Agreement allowing the AB-Tech Police Department ("AB-Tech PD") limited jurisdiction within the City of Asheville on the property that currently houses the Ferguson Center for Allied Health and Workforce Development and the Smith-McDowell House Museum;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to sign an amendment to the 2014 Joint Agreement between AB Tech and Buncombe County extending the jurisdiction of the AB Tech police department.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 20-232

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND CONTRACT WITH RESPONDER SUPPORT SERVICES, LLC TO INCREASE BEHAVIORAL HEALTH SERVICES PROVIDED TO FIRE AND POLICE EMPLOYEES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has a current contract with Responder Support Services, LLC to provide embedded behavioral health services to Fire and Police employees two (2) days per week for each department; and

WHEREAS, City staff recommends increasing embedded behavioral health services to four (4) days per week for both Fire and Police Departments to effectively support said employees; and

WHEREAS, City staff recommends the execution of a contract amendment with an initial term of one (1) year with up to two (2) one-year extensions to said contract upon mutual approval of the parties; and

WHEREAS, the contract amendment effective date shall be November 1, 2020; and

WHEREAS, the monies for the contract amendment have been budgeted in the Health Care Fund budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the current contract on behalf of the City of Asheville with Responder Support Services, LLC to provide increased behavioral health services to Fire and Police employees, and further authorized to execute said contract amendment for a total expenditure of $88,000 bringing the total contract expenditure to $176,000; and to execute any necessary change orders to said contract.

Read, approved and adopted this the 8th day of December, 2020.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 20-233

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT WITH WNC LANDSCAPING, LLC FOR THE FISCAL YEAR 2021 DOWNTOWN CLEANING CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY 21 Downtown Cleaning Contract; and

WHEREAS, WNC Landscaping LLC of Cedar Mountain, NC was the lowest responsible bidder for the project, in the amount of $132,503; and

WHEREAS, the project involves the Cleaning of City-Owned Sidewalks in the CBD; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Minority Business Plan representative with all officers recommending approval of the bid; and

WHEREAS, the contract is for one year plus two optional one year extensions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $230,994 plus a contingency $34,649.10 (15%), for a total of $265,643.10 with WNC Landscaping, LLC with the option to renew annually for two 1-year extensions, upon budgetary approval by Council for each fiscal year for the project known as FY21 Downtown Cleaning contract. The City Manager is also authorized to execute any change orders up to the budgeted amount.

Read, approved, and adopted this the 8th day of December 2020.

Magdalen Bowman
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowman
City Clerk

RESOLUTION NO. 20- 234

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN MEMORANDUM OF UNDERSTANDING WITH RRI WEST MANAGEMENT, LLC TO SUSTAIN OPERATIONS OF A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the community's existing emergency homeless shelters have been in isolation status, unable to admit new clients, the potential duration of the COVID-19 pandemic remains unknown, and there are persons in the community currently experiencing unsheltered homeless who are at grave risk for contracting COVID-19 because of age and/or underlying chronic health conditions; and

WHEREAS, the City of Asheville has previously executed contracts with Red Roof Inn, Incorporated, to provide 60 rooms for a non-congregate emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the parties have agreed to continue this essential operation for an additional 90 days; from November 9, 2020 through February 8, 2021; and

WHEREAS, internal restructuring within the Red Roof Inn organization has caused their Asheville property to be placed under a different corporate entity within the organization; and

WHEREAS, the Asheville City Council has previously authorized funding for this activity and authorized the City Manager to execute agreements to sustain these activities through February 8, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to execute a Memorandum of Understanding with RRI West Management, LLC to continue to provide motel rooms for up to 90 days for a non-congregate motel based COVID-19 emergency homeless shelter from November 9, 2020 through February 8, 2021 for a total cost not to exceed $274,536.

Read, approved, and adopted this 8th day of December, 2020.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 20-235

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE INTERESTS IN REAL PROPERTY ON BEHALF OF THE CITY UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, the City of Asheville has authority pursuant to NCGS § 160A-240.1 to acquire interests in real property, including easements; and

WHEREAS, the City of Asheville has previously delegated to the City Manager the authority to enter into contracts for goods and services up to the amount of $90,000 per contract; and

WHEREAS, the City Council wishes to delegate its authority to acquire easements and/or other minor interests in real property to the City Manager under the conditions that: (1) the value of any property acquired by the City Manager not exceed $90,000, (2) the City Chief Financial Officer certifies that sufficient funds exist in the budget to acquire the subject easement or other interest in real property, and (3) the form of the easement or other interest in real property has been reviewed and approved of by the City Attorney's Office; and

WHEREAS, the authority conveyed herein shall not be construed to limit the City's authority to accept donations of easements and other real property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to acquire interests in real property on behalf of the City in accordance with the conditions set forth above. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law. For purposes of clarity, City Council further hereby ratifies all previous easements that have been executed by a City Manager on behalf of the City. All prior delegations of authority to the City Manager to accept easements are superseded and replaced by this Resolution.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bowlerson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 20-236

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S 5 YEAR CONSOLIDATED PLAN FOR FISCAL YEARS 2020-2021 THROUGH 2024/2025 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is the Lead Entity on behalf of the Asheville Regional Housing Consortium (ARHC) for the federal Home Investment Partnerships Program (HOME); and

WHEREAS, the City has prepared a Consolidated Strategic Housing and Community Development Plan to provide a five-year framework of priorities and targets for the CDBG and HOME programs for 2020-2025; and

WHEREAS, every five years the City must submit to the U.S. Department of Housing and Urban Development (HUD) a Consolidated Strategic Housing and Community Development Plan detailing its proposed use of CDBG and HOME funds; and

WHEREAS, each year, the City must submit to the U.S. Department of Housing and Urban Development (HUD) an Annual Action Plan detailing its proposed use of CDBG and HOME funds for the upcoming fiscal year and this year, the Annual Action Plan is a part of the 5 Year Consolidated Plan; and

WHEREAS, a public hearing has been held on November 10, 2020, to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the submission to HUD of the 5 Year Consolidated Plan, which also includes the Annual Action Plan for 2020-21.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the implementation of the 5 Year Consolidated Plan.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 20-237

RESOLUTION APPROVING THE HOUSING TRUST FUND LOAN AWARD REQUESTED BY THE BRYSON INVESTMENT GROUP LLC TO ALLOW THEM TO DEVELOP 12 AFFORDABLE CONDOMINIUMS FOR HOMEOWNERSHIP AT ALICE CLEMENT LANE AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, on September 2, 2000, the City Council of the City of Asheville first appropriated funds and adopted policies and detailed program guidelines for administering a Housing Trust Fund to assist in the development and preservation of affordable housing in the City; and

WHEREAS, The Bryson Investment Group LLC (developer) has requested a $1,200,000 Housing Trust Fund (HTF) loan for the development of twelve (12) affordable condominiums for homeownership, which are to be made available for purchase to individuals and families at or below 80% of Area Median Income (AMI); and

WHEREAS, the HTF loan is to be structured as a fund to remain available to be drawn upon as needed during construction of the 12 units, with the .5 acre of land at "Arline Henry Way", off of Pineview Street in West Asheville, PIN #9638-52-5112, to be used as collateral, valued at approximately $450,000; and

WHEREAS, the HTF loan shall accrue interest at 1% annually, with no monthly payments due until the sale of each home or 24 months from the date of the HTF Loan, whichever comes first; and

WHEREAS, the homes sold will come with a deed restriction of affordability for 10 years, meaning if the home is sold within that time period, the owner will sell it to another income qualified individual or family at or below 80% AMI; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A Housing Trust Fund loan in the amount of $1,200,000, amortizing at 1.0% annual interest for a term not to exceed two (2) years to The Bryson Investment Group LLC, for the development of twelve (12) affordable condominiums for homeownership located at "Arline Henry Way", off of Pineview Street in West Asheville, PIN #9638-52-5112, within the limits of the City of Asheville, to be made immediately available following loan closing. The twelve (12) homes are to be restricted for purchase to individuals and households earning 80% or less of the Area Median Income (AMI) with an affordability period of 10 years of affordability at 80% AMI, enforced by a deed covenant in a form acceptable to the City Attorney. Funds are to be repaid at the sale of each home or within 2 years of the date of the HTF loan agreement, whichever comes first. The City Manager is hereby authorized to negotiate and execute any and all documents necessary to give effect to this approval.

Read, approved and adopted this 8th day of December 8, 2020.

Magdalen Bowerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 20-238

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the terms of Charles Rosenblum, Elvia Diaz (homeless or formerly homeless seat) and James Hartye, as members to the Homeless Initiative Advisory Committee (HIAC) expired on November 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Elvia Diaz be and she is hereby reappointed to the HIAC (homeless or formerly homeless representative) to serve an additional three-year term, term to expire November 1, 2023, or until her successor has been appointed.

Sara Coplai be and she is hereby reappointed to the HIAC to serve a three-year term, term to expire November 1, 2023, or until her has been appointed.

Jason Desai be and he is hereby appointed to the HIAC to serve a three-year term, term to expire November 1, 2023, or until his successor has been appointed.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

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RESOLUTION NO. 20-239

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, Ms. Kim Roney (transit representative) has resigned from the Multimodal Transportation Commission, thus leaving an unexpired term until July 1, 2021; and

WHEREAS, Mr. David Nutter (greenway representative) and Ms. Lisabeth Medlock (transit representative) have resigned from the Multimodal Transportation Commission, thus leaving two unexpired terms until July 1, 2022; and

WHEREAS, the term of Rich Lee (at-large representative) and Patricia Katz (at-large representative) expired on July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

John Bausone be and he is hereby appointed as a member of the Multimodal Transportation Commission (transit representative) to serve the unexpired term of Ms. Roney, term to expire July 1, 2021, or until his successor has been appointed.

Lydia Buehrer be and she is hereby appointed as a member of the Multimodal Transportation Commission (greenway representative) to serve the unexpired term of Mr. Nutter, term to expire July 1, 2022, or until her successor has been appointed.

Michael Waddle be and he is hereby appointed as a member of the Multimodal Transportation Commission (greenway representative) to serve the unexpired term of Ms. Medlock, term to expire July 1, 2022, or until his successor has been appointed.

Patricia Katz be and she is hereby reappointed as a member of the Multimodal Transportation Commission (at-large representative) to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 20-240

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of Philip Lenowitz (28804 representative) and Barber Melton, (28805 representative) as members on the Neighborhood Advisory Committee, expired on July 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Sharon Sumrall is hereby appointed as a member of the Neighborhood Advisory Committee (28805 representative) to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 20-241

RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

WHEREAS, Pearl DeBellott has resigned as a member of the Human Relations Commission, whose term expired on June 1, 2020; and

WHEREAS, Zakiya Bell-Rogers, Nicole Townsend, Isaiah Greene and Daniele Martin have resigned as members of the Human Relations Commission, thus leaving unexpired terms until June 1, 2021; and

WHEREAS, the terms of Mychal Bacoate, Patrick Conant, as members of the Human Relations Commission, expired on June 1, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Will Overfelt is hereby appointed to serve as a member of the Human Relations Commission, to serve a two-term to expire June 1, 2022, or until his successor has been appointed.

Veronica Colt is hereby appointed to serve as a member of the Human Relations Commission, to serve the unexpired term of Mr. Greene, term to expire June 1, 2021, or until her successor has been appointed.

Brandon Oliver is hereby reappointed to serve as a member of the Human Relations Commission, to serve a two-year term, term to expire June 1, 2022, or until his successor has been appointed.

Alfred D. Green is hereby reappointed to serve as a member of the Human Relations Commission, to serve a two-year term, term to expire June 1, 2022, or until his successor has been appointed.

Read, approved and adopted this 8th day of December, 2020.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-__1___

RESOLUTION RATIFYING AN AMENDED SERVICES CONTRACT WITH GRIFFIN WASTE FOR PORTABLE TOILET AND HAND WASHING STATION RENTAL AND MAINTENANCE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville requires portable restrooms and handwashing stations for public use as an emergency health response during the COVID-19 pandemic; and

WHEREAS, Griffin Waste Services was the only vendor identified to carry out the required scope of work; and

WHEREAS, the amount required to fund the scope of work through December 2020 was $154,000, with funding for the contract from the State's Coronavirus Relief Fund (CRF);

WHEREAS, Griffin Waste Services shall continue to provide all labor, materials, and supplies for the scope of work; and

WHEREAS, the amount estimated to continue funding the scope of work through March 2021 is $199,000, and the additional $45,000 in funds for the amended contract is coming from Coronavirus Relief Funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager's execution of a contract amendment with Griffin Waste Services in the amount of $199,000, for continued rental and maintenance of portable toilets and handwashing stations is hereby ratified.

Read, approved and adopted this the 12th day of January 2021.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION NO. 21 - 2

RESOLUTION APPROVING AN AMENDMENT TO THE SWIFTLY, INC. AGREEMENT TO INCREASE FUNDING IN THE CURRENT AGREEMENT

WHEREAS, N.C.General Statute §160A-641 requires that inter-local agreements entered into by the City be ratified by the City Council; and

WHEREAS, the City entered into an agreement with Swiftly, Inc., to provide Transitime Real-time Passenger Information Services; and

WHEREAS, the Federal Transit Administration requires the City of Asheville to enter into a contract agreement incorporating all federal requirements agreed to by the City of Asheville in the master agreement with the Federal Transit Administration; and

WHEREAS, in order to avoid lapse in service and to pay services rendered, it is necessary to execute an amendment to increase the amount of funds in the contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to amend the agreement with Swiftly, Inc. in order to increase the Year 3 contract amount by $11,339 for a total cost through Year 3 of $122,082 and to increase the total contract amount by $1.00 for a total contract amount of $179,923.10 through Year 4.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21- 3

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH CAROLINA SPECIALTIES CONSTRUCTION, LLC, FOR THE PROJECT KNOWN AS JAKE RUSHER PARK PROJECT.

WHEREAS, the City of Asheville has authority pursuant tc Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City desires to amend a contract to Carol.na Specialties Construction, LLC, for the construction services for Jake Rusher Park Project; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Jake Rusher Restroom and Parking project, City of Asheville Project # 298-X1706; and

WHEREAS, Carolina Specialties Construction, LLC of Hendersonville, NC was awarded the contract in the amount of $1,072,801, but unexpected and changing site conditions have led to an increase in costs for construction services related to the stormwater portion of Jake Rusher Project; and

WHEREAS, the amount of the additional costs are $110,000, and funding for the project is allocated within the GO Bond Program Fund and CIP budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the executed construction contract with Carolina Specialties Contractors, Inc. in the amount of $110,000, for the Jake Rusher Park Improvement project; with further authorization for the City Manager to execute any change orders that may arise during the remainder of the project up to the amount of $20,000, for a total construction contract amount not to exceed $1,202,801.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 21- 4

RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF AN AGREEMENT WITH WESTERN CAROLINA RESCUE MINISTRIES, INC. TO PROVIDE CODE PURPLE EMERGENCY SHELTER

WHEREAS, people experiencing homelessness are particularly vulnerable to both COVID-19 complications and exposure to the elements; and

WHEREAS, traditional Code Purple emergency shelter options have been unavailable due to the pandemic; and

WHEREAS, the City of Asheville has executed an agreement with Western Carolina Rescue Ministries, Inc. to provide Code Purple emergency shelter at an alternate location for the month of December 2020; and

WHEREAS, the parties have agreed to continue this essential operation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby ratifies the City Manager's execution of a new agreement with Western Carolina Rescue Ministries, Inc. to provide Code Purple emergency shelter, for a total cost not to exceed $80,000.

Read, approved, and adopted this 12th day of January, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21- 5

RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF A COST-SHARING AGREEMENT WITH BUNCOMBE COUNTY FOR CODE PURPLE EMERGENCY SHELTER

WHEREAS, the City of Asheville and Buncombe County have a mutual goal of supporting Code Purple emergency shelter; and

WHEREAS, the City of Asheville and Buncombe County mutually agree to share in the costs associated with Code Purple in response to the pandemic; and

WHEREAS, the City has committed to provide at least $40,000.00 toward the cost of Code Purple emergency shelter, which will be provided through a contract with Western Carolina Rescue Missions, Inc.; and

WHEREAS, Buncombe County has also committed to contribute up to $40,000.00 toward the cost of these Code Purple emergency shelter operations; and

WHEREAS, the County shall make payment directly to the City in one lump sum and the City will then allocate these funds to the services provided by Western Carolina Rescue Missions, Inc.;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby ratifies the City Manager's execution of a cost-sharing agreement with Buncombe County for Code Purple emergency shelter.

Read, approved, and adopted this 12th day of January, 2021.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-6

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NATURAL RESOURCE DEFENSE COUNCIL FOR THE PURPOSE OF ADDRESSING THE CITY'S FOOD POLICY ACTION PLAN THROUGH INCREASED FOOD WASTE REDUCTION EDUCATION IN THE CITY OF ASHEVILLE

WHEREAS, pursuant to N.C.G.S. § 160A - 240.1 a city is authorized to acquire funds by grant and other methods; and

WHEREAS, the City of Asheville is committed to reducing food waste, and addressing food insecurity; and

WHEREAS, the City of Asheville has an opportunity to preserve landfill space by reducing food waste generation and increasing compost initiatives;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept grant funding of $16,100 from the Natural Resource Defense Council to support implementation of the City's Food Waste Reduction Campaign, and execute all documents necessary to give effect to this resolution.

Read, approved, and adopted this the 12th day of January 2021.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21-7

RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, Sage Turner has resigned as a member on the Affordable Housing Advisory Committee, thus leaving an expired until September 1, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Barbara Ann Philip is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Ms. Turner, term to expire September 1, 2022, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-8

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, S. Antanette Mosley has resigned as a member on the African American Heritage Commission, thus leaving an expired until July 1, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Beverly Miller is hereby appointed as a member of the African American Heritage Commission, to serve the unexpired term of Ms. Mosley, term to expire July 1, 2022, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bourneson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourneson
City Clerk

RESOLUTION NO. 21-9

RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of Robin Cape and John Menkes, as members of the Alcoholic Beverage Control (ABC) Board expired on November 13, 2020; and

WHEREAS, Januarie West has resigned as a member of the ABC Board, thus leaving an unexpired term until November 13, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Robin Cape be hereby reappointed as a member of the ABC Board, to serve a three-year term, term to expire November 13, 2023, or until her successor has been appointed.

Sharon West be hereby appointed as a member of the ABC Board to serve a three-year term, term to expire November 13, 2023, or until her successor has been appointed.

Nian W. Avery be hereby appointed as a member of the ABC Board to serve the unexpired term of Ms. West, term to expire November 13, 2021, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-10

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, the terms of Phillip Hardin (Regular member) and Paul Wilczynski (Regular Member) on the Board of Adjustment expires on January 21, 2021; and

WHEREAS, the terms of John Michael Kledis (Alternate member) and Suzanne Godsey (Alternate member) on the Board of Adjustment expires on January 21, 2021; and

WHEREAS, due to a discrepancy between the Unified Development Ordinance and Session Laws, City Council needs to appoint another Alternate seat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Suzanne Godsey be hereby appointed as a Regular Member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2024, or until her successor has been appointed.

Paul Wilczynski be hereby reappointed as a Regular Member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2024, or until his successor has been appointed.

John Michael Kledis be hereby reappointed as an Alternate Member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2024, or until his successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bouleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 21-11

RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

WHEREAS, Pamela Winkler has resigned as a member on the Downtown Commission, thus leaving an unexpired term until December 31, 2021; and

WHEREAS, the terms of Andrew Fletcher, Kimberly Hunter and Steven Lee Johnson, as members on the Downtown Commission, expired on December 31, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Guillermo Rodriguez be hereby appointed as a member of the Downtown Commission, to serve the unexpired term of Ms. Winkler, term to expire December 31, 2021, or until his successor has been appointed.

Andrew Fletcher be hereby reappointed as a member of the Downtown Commission, to serve an additional three-year term, term to expire December 31, 2023, or until his successor has been appointed.

Kimberly Hunter be hereby reappointed as a member of the Downtown Commission, to serve an additional three-year term, term to expire December 31, 2023, or until her successor has been appointed.

Steven Lee Johnson be hereby reappointed as a member of the Downtown Commission, to serve an additional three-year term, term to expire December 31, 2023, or until his successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bulleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-12

RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

WHEREAS, Zakiya Bell-Rogers, Nicole Townsend and Daniele Martin have resigned as members of the Human Relations Commission, thus leaving unexpired terms until June 1, 2021; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Daniel Young is hereby appointed to serve as a member of the Human Relations Commission, to serve the unexpired term of Ms. Bell-Rogers, term to expire June 1, 2021, and then a full two-year term, term to expire June 1, 2023, or until his successor has been appointed.

Susy Chandler is hereby appointed to serve as a member of the Human Relations Commission, to serve the unexpired term of Ms. Townsend, term to expire June 1, 2021, and then a full two-year term, term to expire June 1, 2023, or until her successor has been appointed.

Melanie Noyes is hereby appointed to serve as a member of the Human Relations Commission, to serve the unexpired term of Ms. Martin, term to expire June 1, 2021, and then a full two-year term, term to expire June 1, 2023, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 21-13

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Gwen Wisler , as a member on the Metropolitan Sewerage District Board of Directors, expires on January 19, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Councilwoman Gwen Wisler be hereby reappointed to serve an additional three-year term, term to expire January 19, 2024, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 21-14

RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the term of Rich Lee (at-large representative) expired on July 1, 2020; and

WHEREAS, Micheal Stratton (bike/ped task force representative) has asked to fill Mr. Lee's at-large representative term;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Michael Stratton be hereby appointed as a member of the Multimodal Transportation Commission (at-large representative) to serve a three-year term, term to expire July 1, 2023, or until his successor has been appointed.

Maggie Ullman be hereby appointed as a member of the Multimodal Transportation Commission (bike/ped task force representative) to serve the unexpired term of Mr. Stratton, term to expire July 1, 2021, and then a full three-year term, term to expire July 1, 2024, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bowleson
CITY CLERK

Edwin G. Marter
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-15

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the term of Philip Lenowitz (28804 representative) as a member on the Neighborhood Advisory Committee, expired on July 1, 2020; and

WHEREAS, Diane Dankert (at-large representative) as a member on the Neighborhood Advisory Committee resigned, thus leaving an unexpired term until July 1, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Wendy Haner is hereby appointed as a member of the Neighborhood Advisory Committee (28804 representative) to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed.

Peter Abzug is hereby appointed as a member of the Neighborhood Advisory Committee (at-large representative) to serve the unexpired term of Ms. Dankert, term to expire July 1, 2023, or until his successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 21- 16

RESOLUTION APPOINTING A MEMBER TO THE PLANNING & ZONING COMMISSION

WHEREAS, Sandra Kilgore has resigned as a member on the Planning & Zoning Commission, thus leaving an expired until August 14, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Robert Frances Hoke is hereby appointed as a member of the Planning & Zoning Commission, to serve the unexpired term of Ms. Kilgore, term to expire August 14, 2023, or until his successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-17

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Geoffrey Habron, Renee Mazurek and John Noor, as members on the Sustainability Advisory Committee on Energy & the Environment, expired on December 31, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Tim Ormond be hereby appointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve a three-year term, term expire December 31, 2023, or until his successor has been appointed.

Steven Baron hereby appointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve a three-year term, term to expire December 31, 2023, or until his successor has been appointed.

Kim Austin hereby appointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve a three-year term, term to expire December 31, 2023, or until her successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bullion
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

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RESOLUTION NO. 21-18

RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION

WHEREAS, the terms of Cecil Bothwell, Sharon Sumrall and Perrin de Jong as members on the Urban Forestry Commission, expired on December 31, 2020;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Cecil Bothwell be hereby reappointed as a member of the Urban Forestry Commission, to serve an additional three-year term, term to expire December 31, 2023, or until his successor has been appointed.

Sharon Sumrall be hereby reappointed as a member of the Urban Forestry Commission, to serve an additional three-year term, term to expire December 31, 2023, or until gher successor has been appointed.

Perrin de Jong be hereby appointed as a member of the Urban Forestry Commission, to serve a three-year term, term to expire December 31, 2023, or until his successor has been appointed.

Read, approved and adopted this 12th day of January, 2021.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-19

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A TRANSPORTATION PLANNING GRANT FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR THE PURPOSE OF PREPARING A FEASIBILITY STUDY FOR THE REED CREEK GREENWAY, AND IF AWARDED, TO ACCEPT THE FUNDS AND SIGN ALL OF THE NECESSARY AGREEMENTS, AND BUDGEt THE FUNDS IN THE FISCAL YEAR 2022 TRANSPORTATION DEPARTMENT OPERATING BUDGET

WHEREAS; the City is authorized to make contracts for and to accept grants from the federal and state governments and their agencies for constructing expanding. maintaining and operating any project or performing any function which the City may be authorized by law to provide or perform; and

WHEREAS; the French Broad River Metropolitan Planning Organization (MPO) had a call for qualified projects seeking funding support through United Planning Work Program funds: and;

WHEREAS; the City of Asheville has identified the Reed Creek Greenway Project as eligible for this funding; and

WHEREAS; the Reed Creek is a prioritized project of the Asheville Greenway Committee: and

WHEREAS; if the project is funded,.agreements will be executed between the City of Asheville and granting and administering agencies prior to receipt of the grant;

NOW,.THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to apply for a transportation planning grant in the amount of $40,000 from the French Broad River Metropolitan Planning Organization for the purpose of preparing a feasibility study for the Reed Creek Greenway, and if awarded, to accept the funds and sign all of the necessary agreements, and budget the funds in the FY 2021-22 Transportation Department operating budget.

Read, approved and adopted this the 26th day of January, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-20

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH BIO-NOMIC SERVICES, INC. FOR THE WATER TREATMENT PLANT SLUDGE REMOVAL PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department issued a Request for Proposals (RFP) for the Water Treatment Plant Sludge Removal Project; and

WHEREAS, Bio-Nomic Services, Inc. was selected by Water Resources staff for the project based on their qualifications, understanding of project scope, cost, and proposal for land application of the residuals; and

WHEREAS, the City wishes to amend funding for the remaining two years of the general services agreement with Bio-Nomic Services, Inc. for the project; and

WHEREAS, the funding for the agreement is allocated within the Water Resources - Water Production Operating Budget.

WHEREAS, a change order will be enacted to add additional funding to contract years 2-3 in the sums of an additional $67,388 for year 2, and $94,126 for year 3 with a project total for years 2-3 of $561,514;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a change order for remaining years 2 and 3 General Services Agreement with Bio-Nomic Services, Inc. for the Water Treatment Plant Sludge Removal Project for the estimated amount of $161,514, in additional funding for a project total of $561,514.

Read, approved, and adopted this 26th day of January 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-21

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AMENDMENT WITH WPLAW FOUNTAIN DIVISION, INC. FOR THE PACK SQUARE PARK SPLASHEVILLE FOUNTAIN RESTORATION PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1A, the City passed resolution No.16-45 establishing criteria for determining when the design build method is appropriate. This criteria was described and approved for the Pack Square Park Splasheville Fountain restoration project, City of Asheville; and

WHEREAS, the WPLAW, Inc., shall provide all design, labor, materials, and equipment for the project; and

WHEREAS, the amount of the contract amendment is $237,835, and funding for the project is allocated within the Parks and Recreation General Fund budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment with WPLAW, Inc. in the amount of $237,835, for the Pack Square Park Splasheville Fountain restoration project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $23,800 (10%) for total design build contract amount not to exceed $261,635.

Read, approved, and adopted this the 26th day of January 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 21-22

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY EAST OF BELLEVUE ROAD AND WEST OF EDGEWOOD ROAD AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR FEBRUARY 23, 2021

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of unopened right of way connecting east of Bellevue Road and west of Edgewood Road; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road, described as:

   A parcel of land (PIN 9656-27-3146 & PIN 9656-27-7148, DB 14E/PG 1548, DB 1122/PG 527, & PB 4/PG 38) located in Buncombe County, North Carolina in the Asheville Township, and being more particularly described as follows:Parcel PIN 9656-27-3146 & PIN 9656-27-7148 Commence at the NGS concrete monument "Buena Vista" PID AA5569 (N:665398.52 E:950083.26); thence North 53°22'35" East, 2672.04 feet to a five-eighths inch rebar found (N:666992.19 E:952227.30) at a common property corner of the parcels described in Deed Book 1122, Page 527, Deed Book 1399, Page 698, and Deed Book 1799, Page 333 of the Buncombe County Public Registry, and said point being the point of beginning of the parcel herein described; thence from said POINT OF BEGINNING with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1799, Page 333 the following two (2) courses and distances: (1) North 02°39'07" East, 235.76 feet to a one-half inch rebar set; and (2) North 35°21'59" East, 102.96 feet to a five-eighths inch rebar found at a common property corner of said parcels and at the terminus of the southern right-of-way line of the unopened portion of Bellevue Road shown in Plat Book 21, Page 69 of the Buncombe County Public Registry; thence leaving said common property line, and with the end of said road, North 35°11'30" East, 29.55 feet to a one-half inch rebar set at a common property corner of the parcels described in Deed Book 1122, Page 527 and Deed Book 1799, Page 337 of the Buncombe County Public Registry; thence leaving said end of the road, and with the common property line of said parcels, North 86°12'26" East, 107.73 feet to a point at the southwestern property corner of the parcel described in Deed Book 2001, Page 310 of the Buncombe County Public Registry; thence with the southern property line of said parcel the following three (3) courses and distances: (1) North 86°12'26" East, 46.05 feet to a point at the terminus of the western line of an unopened alley shown in Plat Book 4, Page 38 of the Buncombe County Public Registry; (2) North 86°12'26" East, 25.17 feet to a point at the terminus of the eastern line of said unopened alley; and (3) North 86°12'26" East, 9.38 feet to a point at a common property corner of the parcels described in Deed Book 2001, Page 310 and Deed Book 1799, Page 337; thence leaving said southern property line, and with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1799, Page 337 the following two (2) courses and distances: (1) North 86°12'26" East, 149.06 feet to a one and one-quarter inch open top iron pin

found; and (2) North 81°11'46" East, 176.98 feet to an angle iron found at a common property corner of said parcels and the parcel described in Deed Book 5172, Page 781 of the Buncombe County Public Registry; thence leaving said common property line, and with the common property lines of the parcels described in Deed Book 1122, Page 527 and Deed Book 5172, Page 781 the following two (2) courses and distances: (1) South 00°12'54" West, 140.28 feet to an angle iron found; and (2) North 78°23'54" East, 197.82 feet to a five-eighths inch rebar found on the western right-of-way line of Edgewood Road South; thence leaving said common property lines, and with said right-of-way line, South 01°06'16" West, 129.13 feet to a three-quarter inch open top iron pin found at the northeastern property corner of the parcel described in Deed Book 5011, Page 905 of the Buncombe County Public Registry; thence leaving said right-of-way line, and with the common property lines of said parcel and the parcel described in Deed Book 1122, Page 527 the following two (2) courses and distances: (1) South 79°29'21" West, 195.44 feet to a one-half inch open top iron pin found; and (2) South 00°47'01" West, 64.89 feet to an angle iron found at a common property corner of said parcels and the parcel described in Deed Book 4013, Page 828 of the Buncombe County Public Registry; thence leaving said common property lines, and with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 4013, Page 828, South 04°00'14" West, 64.69 feet to a one-half inch rebar set at a common property corner of said parcels and the parcel described in Deed Book 1413, Page 265 of the Buncombe County Public Registry; thence with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1413, Page 265 the following three (3) courses and distances: (1) North 89°50'25" West, 344.49 feet to a point at the terminus of the eastern line of the unopened alley shown in Plat Book 4, Page 38; (2) North 89°50'25" West, 25.02 feet to a point at the terminus of the western line of said unopened alley; and (3) North 89°50'25" West, 97.55 feet to a point at a common property corner of the parcels described in Deed Book 1413, Page 265 and Deed Book 1399, Page 698; thence leaving said common property line, and with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1399, Page 698, North 89°50'25" West, 125.21 feet to the point of beginning as shown on a survey by Jason N. Gasperson, PLS #L-5267 of McGill Associates, recorded in Plat Book XXX, Page XXX, Buncombe County Public Registry containing 5.364 Acres more or less.The BASIS OF BEARINGS for this description is North Carolina state plane grid North

2. A public hearing on the question of permanently closing a right-of-way known as Bellevue Road Is hereby called for on Tuesday, February 23, 2021, at the regular meeting of City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on February 23, 2021.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along a portion of unopened right-of-way connecting east Bellevue Road and west of Edgewood Road.. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 26th day of January, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-23

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY CONNECTING TO BILTMORE AVENUE, DIRECTLY SOUTH OF WHITE FAWN DRIVE, AND TO SET A PUBLIC HEARING ON SUCH CLOSURE ON FEBRUARY 23, 2021

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of unopened right of way connecting to Biltmore Avenue, directly south of White Fawn Drive; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive, described as:

   BEGINNING on a rebar with Blue Ridge Surveying Cap found 0.1 feet below the adjacent grade, the southwest corner of property owned now or formerly by Milan Asheville, LLC (Deed Book 5502, Page 430), said rebar having N.C. Grid NAD 83 (2011) coordinates of N 686249.67 feet, E 944344.99 feet and lying S 06°12'49" E 1658.91 feet (grid distance), 1659.25 feet (ground distance) from NGS Monument "Endoscopy" and running thence S 07°59'52" W 8.00 feet to a 3/8" rebar found flush with the adjacent grade, a western corner of property owned now or formerly by The County of Buncombe (Deed Book 3871, Page 266); thence running with the line of The County of Buncombe S 81°49'21" E 134.65 feet to a 3/8" rebar found 0.1 feet above the adjacent grade; thence continuing with The County of Buncombe N 09°31'41" E 7.96 feet to a rebar with Blue Ridge Surveying Cap found flush with the adjacent grade, the southeast corner of Milan Asheville, LLC (Deed Book 5502, Page 430), lying S 09°10'13" W 53.82 feet from a rebar with Blue Ridge Surveying Cap found 0.3 feet above the adjacent grade; thence with the southern line of Milan Asheville, LLC N 81°48'35" W 134.86 feet to the point and place of BEGINNING, containing 0.02± acres, 1075± sq. ft., and being shown on an unrecorded survey by Phillip B. White, PLS of Ed Holmes and Associates, PA dated January 8, 2021 titled "Survey of Unnamed Alley to be Abandoned for Milan Asheville, LLC and The County of Buncombe", and having job number 19319, also being the western portion of the 8 foot wide alley shown on Plat Book 20, Page 115.

2. A public hearing on the question of permanently closing a right-of-way known as Biltmore Avenue Is hereby called for on Tuesday, February 23, 2021, at the regular meeting of City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on February 23, 2021.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 26th day of January, 2021.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21- 24

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CONTRACTS WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA, RRI WEST MANAGEMENT, LLC, AND AXIS SECURITY TO SUSTAIN OPERATIONS OF A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the community's existing emergency homeless shelters have been in isolation status, unable to admit new clients, the potential duration of the COVID-19 pandemic remains unknown, and there are persons in the community currently experiencing unsheltered homeless who are at grave risk for contracting COVID-19 because of age and/or underlying chronic health conditions; and

WHEREAS, the City of Asheville has previously executed contracts with Homeward Bound of Western North Carolina, RRI West Management LLC, and Axis Security for operations of a non-congregate emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the parties have been successfully providing services as agreed; and

WHEREAS, the parties have agreed to continue these services essential operations services until the conclusion of the COVID-19 pandemic emergency declaration; and

WHEREAS, the existing agreements with the parties provide for extensions on mutual agreement between the parties; and

WHEREAS, the incidence of confirmed COVID-19 cases continues to rise and poses grave risk to persons experiencing unsheltered homelessness who have chronic health concerns;

WHEREAS, in order to avoid in lapse in service, it is necessary to execute a contract and budget amendments to extend the duration of existing services contracts;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to execute amendments to the existing Services Contract with Homeward Bound of Western North Carolina, Memorandum of Understanding with RRI West Management, LLC, and Services Contract with Axis Security to extend the existing shelter operations commencing February 8, 2021 until the end of the City's FY2020-21 or conclusion of the COVID-19 pandemic emergency declaration, whichever comes first.

Homeward Bound of Western North Carolina	$250,000
Axis Security	$325,000
Red Roof Inn	$486,000

Read, approved, and adopted this 26th day of January, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 21-25

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY KNOWN AS VELVET STREET

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of right-of-way known as Velvet Street; and

WHEREAS, City Council on the 8th day of December, 2020, adopted a Resolution of Intent to permanently close a portion of right-of-way known as Velvet StREET, and ordering a public hearing on the question of the closing for the 12th day of January, 2021, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the right-of-way known as Velvet Street; and

WHEREAS, the City Council held a public hearing on the closure on January 12, 2021, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes a portion of right of way known as Velvet St, described as: Beginning at a calculated point in the northwest margin right-of-way over Velvet Street and lying S 49°14'36" W, a distance of 162.81' from a #5 rebar with "two point" cap with North Carolina grid coordinates of northing: 689,674.24' easting: 945,077.86' NAD '83 (2001) being shown on the eastern line of Tract B as recorded in Plat Book 200 page 104; thence with a curve to the left with a radius of 96.26', a chord bearing of S 33°37'07" W, and a chord length of 51.85' to a calculated point; thence S 89°17'11" W, a distance of 8.65' to a calculated point; thence with a curve to the left with a radius of 161.55', a chord bearing of S 63°28'03" W, and a chord length of 34.20' to a calculated point; thence N 49°14'36" E, a distance of 89.71' to the point and place of beginning and containing 0.010 acres, 418 sq. ft.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 26th day of January, 2021.

Magdalena Bruleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalena Bruleson
City Clerk

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RESOLUTION NO. 21-26

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF COURTLAND AVENUE AND HOUSTON STREET

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of right-of-way at the intersection of Courtland Avenue and Houston Street; and

WHEREAS, City Council on the 8th day of December, 2020, adopted a Resolution of Intent to permanently close a portion of right-of-way at the intersection of Courtland Avenue and Houston Street, and ordering a public hearing on the question of the closing for the 12th day of January, 2021, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the right of way at the intersection of Courtland Avenue and Houston Street; and

WHEREAS, the City Council held a public hearing on the closure on January 12, 2021, and following the hearing, it appears to the satisfaction of the Council that closing the right-of-way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes a portion of right of way at the intersection of Courtland Ave and Houston St, described as: Beginning at a point on PIN # 9639-90-3085 and ending on the same property for a total of 275 sq. ft., and on PIN # 9639-90-3979 beginning at a point on Houston St. and continuing south and ending at a point on Courtland Ave. for a total of 1,299 sq. ft.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 26th day of January, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-27

RESOLUTION APPROVING AND ADOPTING CIVIL SERVICE SUBSTANTIVE RULE

WHEREAS, Section 4 of Chapter 303 of the 2009 Session Laws authorizes the Civil Service Board of the City of Asheville ("the Civil Service Board") to make and amend substantive rules for promoting efficiency in the classified service of the City of Asheville; and

WHEREAS, on the 3rd day of December, 2020, the Civil Service Board adopted "Substantive Rule 1, Civil Service Board Jurisdiction"; and,

WHEREAS, Section 4 of Chapter 303 of the 2009 Session Laws requires that before such substantive rule can become effective, members of the classified service and citizens of Asheville must be provided an opportunity to be heard at a public hearing, and the rule must be approved by a majority vote of the Asheville City Council; and,

WHEREAS, a duly noticed public hearing concerning the proposed rule was held before the Asheville City Council on January 12, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The attached substantive rule proposed by the Civil Service Board on December 3, 2020, is hereby approved.

Read, approved and adopted this 26th day of January, 2021.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

CIVIL SERVICE BOARD

SUBSTANTIVE RULE 1

Civil Service Board Jurisdiction

A. Authority and Purpose.

Subject to amendment and approval by the Asheville City Council, the Asheville Civil Service Board (the "Board"), shall make substantive rules for promoting efficiency in the classified service of the City of Asheville ("the City"), pursuant to Sections 4 and 5 of the Asheville Civil Service Act (hereinafter the "Act").

As provided in the Act, the purpose of this rule is to define the scope of the Board's jurisdiction with respect to employee grievances.

B. Definitions

The following definitions shall apply when the Board exercises its authority to hear employee grievances pursuant to Section 8 of the Act:

1. **Classified Service**

Personnel as defined in Section 3 of the Act, as amended, except for personnel within a probationary period as defined by this rule.

2. **Demotion**

Involuntary and permanent reassignment into a position in a lower pay grade. Demotion does not include any personnel action whereby the employee remains in the same pay grade, including but not limited to, changes relating to responsibility, supervision, worksite, schedule, or assignment.

3. **Discharge**

Involuntary and permanent separation from employment with the City due to violation of a City policy or unsatisfactory work performance. Discharge does not include involuntary and permanent separation due to the elimination of a position or any form of constructive termination.

4. **Due Process**

Notice of allegations and an opportunity to be heard by a department director prior to a decision to discharge, demote, suspend, or transfer the employee against their will. If a department, by departmental policy, utilizes a disciplinary matrix, due process shall also include discipline that accords with that matrix.

5. **Entitled**

An absolute right to a promotion to a position within the classified service or a raise in pay automatically due an employee based on time in service, achievement of certification, or placement on a ranked eligibility list. No employee is entitled to any promotion or raise in pay that is subject to discretionary approval by a department director, the Human Resources department, the City Manager, or City Council.

6. **Suspension**

Involuntary and temporary unpaid leave of more than fourteen (14) calendar days imposed due to violation of a City policy or unsatisfactory work performance.

7. **Transfer**

Involuntary and permanent reassignment into a position in a different City department.

C. Grievance Hearing Standards

1. For purposes of determining whether a complained of employment action is justified, the City must demonstrate that the decision complained of was just, right, or valid.

2. An employment action is *per se* justified upon a showing that an employee violated a City or departmental policy, rule, or code of conduct, and received due process as defined by this rule.

3. Review of a department director's decision that an employee violated a City or departmental policy, rule, or code of conduct will be according to an abuse of discretion standard.

4. Abuse of discretion shall mean a decision that is clearly unreasonable, erroneous, or arbitrary.

5. The burden of proving the Board has jurisdiction over a complained of employment action belongs to the employee.

6. An employee's failure to timely exhaust any administrative remedy available under City ordinance or policy deprives the Board of jurisdiction.

D. Probationary Employees

1. Probationary employees are not members of the classified service as defined by the Act.

2. Newly hired, rehired, promoted, or voluntarily transferred employees shall be probationary employees for a period of 365 calendar days following their first date of service.

3. Any employee considered a probationary employee due to a promotion shall not possess the right to a grievance hearing before the board based on a demotion to a lower pay grade. Otherwise, such employees shall enjoy all other rights to a hearing possessed by members of the classified service under the Act and these rules.

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RESOLUTION NO. 21-28

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH WxPROOFING, LLC. FOR THE HARRAH'S CHEROKEE CENTER - ASHEVILLE - WINDOW REPLACEMENT & CONCRETE REPAIRS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Harrah's Cherokee Center - Asheville - Window Replacement & Concrete Repairs Project #C1901; and

WHEREAS, the WxProofing, LLC, of Greensboro, NC was the lowest responsible bidder for the project; and

WHEREAS, WxProofing, LLC shall provide all labor, materials, and equipment for the Window Replacement & Concrete Repairs; and

WHEREAS, the amount of the bid is $1,079,805, and funding for the project is allocated within Harrah's Cherokee Center - Asheville funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with WxProofing, LLC. in the amount of $1,079,805, for the Harrah's Cherokee Center - Asheville - Window Replacement & Concrete Repairs project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $107,980.50 (10%).

Read, approved, and adopted this the 9th day of February 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-29

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 99999 MOORECREST ROAD PURSUANT TO N.C.G.S. 160A-31

WHEREAS, petitions requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the petitions have been signed by the owners of all the real property within the area described herein; and

WHEREAS, the City Clerk has investigated the sufficiency of the petition and has certified to the City Council the sufficiency thereof; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at 5:00 PM on the 23rd day of February 2021. This will be a remote meeting.

Section 2. The area proposed for annexation is as described on "Exhibit A - Boundary Description" attached hereto. A survey of the same subject property is attached hereto as "Exhibit B - Survey".

Section 3. Notice of the public hearing shall be published in the Asheville Citizen-Times, a newspaper having general circulation in the City of Asheville, at least ten (10) days prior to the date of the public hearing.

Read, approved and adopted this 9th day of February, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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Exhibit A
Boomville Properties, LLC Annexation Area Boundary Description

Lying and being in the Hazel Township, Buncombe County, North Carolina, being a portion of the property currently owned by Boomville Properties, LLC as recorded in Deed Book 5901 Page 423 (Tract II), Buncombe County Registry, and being more particularly described as follows:

BEGINNING at a calculated point in the line of Asheville Broadcasting Corp. (Deed Book 1806 Page 551), being the northwesterly corner of Boomville Properties, LLC (Deed Book 5901 Page 423, Tract II), calculated point having NC Grid Coordinates Northing: 690,965.41 feet and Easting: 928,631.85 feet (NAD 83/NSRS 2011), and said calculated point also being in the northeasterly corner of The American Society for the Prevention of Cruelty to Animals (Deed Book 5430 Page 1306) as well as the northeasterly corner of the City of Asheville's Existing Municipal Boundary "Heritage Park Annexation Area" (Ordinance Number 3106, effective date 06/30/2004, Map Book 1 Page 303); thence from said BEGINNING point and with the line of Asheville Broadcasting Corp. N 77°07'30" E, a distance of 225.27 feet to a 1" existing iron pipe, 0.3' above grade, the northwesterly corner of Oak Hill Trust #52 (Deed Book 4803 Page 1206); thence with said Oak Hill Trust #52 S 01°13'49" W, a distance of 133.02 feet to a 1" existing iron pipe, the southwesterly corner of said Oak Hill Trust #52 and the northwesterly corner of Boomville Properties, LLC (Deed Book 5901 Page 423 (Tract I); thence with the apparent City of Asheville Existing Municipal Boundary "West Asheville Annexation" (effective date 01/01/1960) N 84°28'05" W, a distance of 195.27 feet to a calculated point in the easterly line of said The American Society for the Prevention of Cruelty to Animals and "Heritage Park Annexation Area"; thence with said line N 19°17'39" W, a distance of 64.71 feet to a #5 existing iron rebar with I.D. cap "Blue Ridge"; thence N 19°17'39" W, a distance of 3.06 feet to a calculated point; which is the POINT OF BEGINNING, having an area of 20,536 Square Feet (0.47 Acres).

All bearings are referenced to NC Grid (NAD 83/NSRS 2011) and all distances are horizontal ground distances in U.S. Survey Feet.

The foregoing description was prepared by John Wesley Cole, NC PLS L-4561 of Cole Surveying & Design, PA (NC Firm #C-3106), December 31, 2020.

RESOLUTION NO. 21-30

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR MARCH 9, 2021

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened of right of way known as Trade Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion of right-of-way known as Trade Street, described as: 8,458.89 sq. ft. of unopened right-of-way that is situated between PIN # 9638-98-2756 and PIN # 9638-98-3860. This right-of-way extends from the southern portion of Trade St. in a southeastern direction and ends at a line that extends from the southeastern property corner of the Meinch property to the southwestern corner of the Butler-Wilste property.

2. A public hearing on the question of permanently closing the right-of-way known as Trade Street is hereby called for on Tuesday, March 9, 2021, at the regular meeting of City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on March 9, 2021.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along an unopened right-of-way-of-way known as Trade Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved, and adopted this the 9th day of February, 2021.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

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RESOLUTION NO. 21-31

RESOLUTION APPOINTING A MEMBER TO THE AUDIT COMMITTEE

WHEREAS, Scott Farkas has resigned as the Certified Public Accountant on the Audit Committee, thus leaving an expired until May 1, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Susan Darnell Hutchison is hereby appointed as the Certified Public Accountant on the Audit Committee, to serve the unexpired term of Scott Farkas, term to expire May 1, 2023, or until Susan Darnell Hutchison's successor has been appointed.

Read, approved and adopted this 9th day of February, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-32

RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

WHEREAS, Kimberly Hunter has resigned as a member of the Civic Center Commission, thus leaving an expired until June 30, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Crissa Requate Sinkovic is hereby appointed as a member of the Civic Center Commission, to serve the unexpired term of Kimberly Hunter, term to expire June 30, 2021, and then a full three-year term, term to expire June 30, 2024, or until Crissa Requate Sinkovic's successor has been appointed.

Read, approved and adopted this 9th day of February, 2021.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-33

RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

WHEREAS, Barbara Whitehorn has resigned as a member of the Firemen's Relief Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Tony McDowell is hereby appointed as a member of the Firemen's Relief Fund, to serve at the pleasure of City Council.

Read, approved and adopted this 9th day of February, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-34

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the term of Carleton Collins, as a member of the Asheville Area Riverfront Redevelopment Commission, expired on January 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ben Williamson is hereby appointed as a member of the Asheville Area Riverfront Redevelopment Commission, to serve a three-year term, term to expire January 1, 2024, or until Ben Williamson's successor has been appointed.

Read, approved and adopted this 9th day of February, 2021.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

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RESOLUTION NO. 21-35

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

WHEREAS, there currently exists an unexpired Alternate seat, formerly filled by Suzanne Godsey was appointed as a Regular member, whose term expired on January 21, 2021

WHEREAS, due to a discrepancy between the Unified Development Ordinance and Session Laws, City Council needs to appoint another Alternate seat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Chris Fundanish be hereby appointed as an Alternate Member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2024, or until Chris Fundanish's successor has been appointed.

Read, approved and adopted this 9th day of February, 2021.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21-36

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND BALSAM GARDENS, LLC ON CITY-OWNED PROPERTY AT HARDESTY LANE

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for such terms and conditions as the council sees fit, for periods of up to 10 years; and

WHEREAS, the City of Asheville is the owner of real property located on Hardesty Lane and Azalea Road, identified as PIN #9668-22-0260 and 9668-31-9966; and

WHEREAS, Balsam Gardens, LLC, a certified organic farming operation, has been leasing this property for six years to operate a commercial farm on an + or -11 acre of the property at Hardesty Lane and Azalea Road; and

WHEREAS, the Balsam Garden request to extend the term of the lease agreement will be for one additional year at a rental rate of $3,800 per year; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed agricultural lease agreement on January 22, 2021, in the Asheville Citizen-Times; and

WHEREAS, the City has no anticipated need for this portion of the property during the term of the lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statutes section 160A-272, the City Manager is hereby authorized to execute the Lease Agreement between the City of Asheville and Balsam Gardens, LLC for agricultural use on City property at Hardesty Lane and Azalea Road. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this the 23rd of February, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 21-37

RESOLUTION AUTHORIZING THE CITY MANAGER TO USE THE SOLE SOURCE PROCUREMENT METHOD, AND PREFERRED ALTERNATES IN THE BID SPECIFICATIONS FOR THE BROADWAY PUBLIC SAFETY STATION AND DR. WESLEY GRANT SR. SOUTHSIDE CENTER .

WHEREAS, pursuant NCGS 143-129(e) 6, allows for Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. ; and

WHEREAS, standardization or compatibility is the overriding consideration to sole source Verkada Video Security Cameras for BPSS and Grant Center, and Mach Alert Station Alerting for BPSS; and

WHEREAS, NCGS 133-3, Requires bid specifications to cite three or more examples of items of equal design or equivalent design. Preferred brand alternate: Specifications must identify the performance standards that support the preference. Performance standards for the preference must be approved in advance by the owner in an open meeting.; and

WHEREAS, Performance standards for Owner Preferred brand alternates are being used for Plymovent exhaust removal system and Schlang Door Hardware for BPSS, Yale Lock hardware for Grant Center, JCI HVAC controls for Grant Center and SolarEdge Photovoltaic Array inverters & optimizers for the BPSS and Grant Center; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to use the sole source procurement method for Verkada Video Security Cameras for BPSS and Grant Center, Mach Alert Station Alerting for BPSS and using the Owners Preferred Alternates in the bid specifications for Plymovent exhaust removal system and Schlang Door Hardware for BPSS, Yale Lock hardware for Grant Center, JCI HVAC controls for Grant Center, and SolarEdge Photovoltaic Array inverters & optimizers for the BPSS and Grant Center.

Read, approved and adopted this the 23rd day of February, 2021.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION 21-38

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, as amended by an Amendment Number One to the Installment Financing Contract dated as of June 1, 2016 (*"Amendment Number One"*) between the Corporation and the City, an Amendment Number Two to the Installment Financing Contract dated as of November 1, 2017 (*"Amendment Number Two"*) between the Corporation and the City and Amendment Number Three to June 1, 2018 to the Installment Financing Contract (*"Amendment Number Three"*) between the Corporation and the City;

WHEREAS, the proceeds related to the 2012 Contract were used by the City to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities;

WHEREAS, the proceeds related to entering into the Contract, as amended by Amendment Number One, were used by the City to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities, a complete list of which is available in the City Clerk's office (the *"2016 Projects"*) and a portion of such 2016 Projects were refinanced from the proceeds related to entering into the Contract, as amended by Amendment Number Two (the remaining amount was refunded with the proceeds of special obligation bonds);

WHEREAS, the proceeds related to entering into the Contract, as amended by Amendment Number Three, were used by the City to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities, a complete list of which is available in the City Clerk's office (the *"2018 Projects"*);

WHEREAS, the City Council of the City (the *"City Council"*) hereby determines that it is in the best interest of the City to enter into a fourth amendment to the 2012 Contract (*"Amendment Number Four"* and together with the 2012 Contract, Amendment Number One, Amendment Number Two and Amendment Number Three, the *"Contract"*) with the Corporation in order to refinance the costs of a portion of the 2018 Projects (the remaining portion of the 2018 Projects are expected to be refinanced by the City through the issuance of special obligation bonds) and to pay the costs related to entering into Amendment Number Four;

WHEREAS, in order to secure its obligations under the Contract, which will include securing the obligations under Amendment Number Four, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012, as amended by a Notice of Extension and Amendment to Deed of Trust dated as on June 1, 2016 (collectively, the *"Deed of Trust"*), on the real property on which City Hall, the City's Public Works Facility and the City's Municipal Building is located;

WHEREAS, to facilitate the above-described plan of finance on the terms most desirable to the City, the Corporation will execute and deliver Limited Obligation Bonds;

WHEREAS, the City Council hereby determines to (1) retain Parker Poe Adams & Bernstein LLP, as bond counsel (*"Bond Counsel"*), (2) retain DEC Associates, Inc., as financial advisor, (3) retain BofA Securities, Inc., as managing underwriter (the *"Underwriter"*), (4) approve the Underwriter's selection of Womble Bond Dickinson (US) LLP, as underwriter's counsel and (5) retain Branch Banking and Trust Company, or its successsor, as trustee (the "*Trustee*"), in connection with the execution of Amendment Number Four and the related Limited Obligation Bonds (collectively, the "*Financing Team*"); and

WHEREAS, the City Council has previously determined and hereby determines that the 2018 Projects are essential to the City's proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the 2018 Projects provide and will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into Amendment Number Four is necessary and expedient for the City by virtue of the findings presented herein; and

WHEREAS, the City Council hereby determines that the Contract, including Amendment Number Four, allows the City to refinance a portion of the 2018 Projects and take title thereto at favorable interest rates currently available in the financial marketplace and on terms advantageous to the City; and

WHEREAS, the City Council hereby determines that the estimated cost of refinancing the applicable portion of the 2018 Projects is an amount not to exceed $16,000,000 and that such cost of refinancing the applicable portion of the 2018 Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State; and

WHEREAS, although the cost of refinancing a portion of the 2018 Projects pursuant to the Contract, including Amendment Number Four, is expected to exceed the cost of refinancing the 2018 Projects pursuant to a bond financing for the same undertaking, the City Council hereby determines that the cost of refinancing the applicable portion of the 2018 Projects pursuant to the Contract, including

Amendment Number Four, and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of refinancing the 2018 Projects; and (3) insufficient revenues are produced by the 2018 Projects so as to permit a revenue bond financing; and

WHEREAS, the City Council hereby determines that the estimated cost of refinancing a portion of the 2018 Projects pursuant to the Contract, including Amendment Number Four, reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles; and

WHEREAS, the City does not anticipate a future property tax increase to pay installment payments falling due under the Contract as a result of entering into Amendment Number Four, but any property tax increase, if necessary, will not be excessive; and

WHEREAS, Bond Counsel will render an opinion to the effect that entering into Amendment Number Four and the transactions contemplated thereby are authorized by law;

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract;

WHEREAS, the City is not in default under any of its debt service obligations;

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act;

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the *"LGC"*), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies; and

WHEREAS, a public hearing on entering into Amendment Number Four after publication of a notice with respect to such public hearing will be held by the City Council on March 9, 2021 and approval of the LGC with respect to entering into Amendment Number Four must be received;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Authorization to Negotiate Amendment.*** That the City Manager and the Chief Financial Officer, individually or collectively, with advice from the City Attorney, bond counsel and financial advisor, are hereby authorized and directed to proceed and negotiate on behalf of the City for the refinancing of a portion of the 2018 Projects under the Contract, including Amendment Number Four, for a principal amount not to exceed $16,000,000 and for entering into Amendment Number Four in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina, such obligations to be secured as provided under the Contract and the Deed of Trust.

Section 2. ***Application to LGC.*** That the Chief Financial Officer or his designee is hereby directed to file with the LGC an application for its approval of Amendment Number Four and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 3. ***Direction to Retain Professionals.*** The use of the Financing Team in connection with the City's execution of Amendment Number Four and the issuance of the related Limited Obligation Bonds is hereby approved and ratified. The Chief Financial Officer, or his designee, is hereby authorized to retain such other professionals as she deems necessary in her judgment to carry out the transaction contemplated in this Resolution.

Section 4. ***Public Hearing.*** That a public hearing (the *"Public Hearing"*) shall be conducted by the City Council on March 9, 2021 at or about 5:00 p.m. during its remote meeting concerning entering into Amendment Number Four. The City Clerk is hereby directed to cause a notice of the Public Hearing, in substantially the form attached hereto as Exhibit A, to be published at least once in a qualified newspaper of general circulation within the City no fewer than 10 days prior to the Public Hearing.

Section 5. ***Other Acts Authorized.*** That the Mayor, the City Manager, the Deputy City Manager, the City Attorney, the Chief Financial Officer and the City Clerk, and their respective designees, are hereby authorized, individually and collectively, to do any and all other things necessary to complete the steps necessary for the execution and delivery of Amendment Number Four and the transactions described in this Resolution.

Section 6. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 7. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 23rd day of February, 2021.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bullock
City Clerk

EXHIBIT A
NOTICE OF PUBLIC HEARING

The City of Asheville, North Carolina (the "City") has previously entered into an installment financing contract in 2012 and amendments thereto (the "2012 Contract") for the purpose of financing and refinancing various projects in the City. The City entered into an amendment to the 2012 Contract in 2018 for the purpose of financing various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the "2018 Projects"). A complete list of the 2018 Projects is available in the City Clerk's office. The City Council of the City (the "City Council") is considering entering into a fourth amendment ("Amendment Number Four") to the 2012 Contract (the 2012 Contract, as previously amended and amended by Amendment Number Four is the "Contract"), pursuant to Section 160A-20 of the General Statutes of North Carolina, in a principal amount not to exceed $16,000,000, under which the City will make certain installment payments, in order to refinance a portion of the 2018 Projects. In connection with the Contract, the City has granted a deed of trust and security agreement (the "Deed of Trust") under which the site of City Hall, the City's Public Works Facility and the City's Municipal Building, and the improvements thereon, have been mortgaged by the City to create a lien thereon for the benefit of the entities, or their assigns, providing the funds to the City under the Contract. City Hall is located at 70 Court Plaza, the Public Works Facility is located at 161 S. Charlotte Street and the Municipal Building is located at 100 Court Plaza, each in Asheville, North Carolina. On payment by the City of all installment payments due under the Contract, including Amendment Number Four and any further amendments of the Contract, the Deed of Trust and any lien created thereunder will terminate and the City's title to the mortgaged property will be unencumbered. The City expects that it will execute future amendments under the Contract to finance and refinance other projects of the City.

In order to refinance the remaining portion of the 2018 Projects that is not refinanced by entering into Amendment Number Four, the City Council is also considering issuing special obligation bonds pursuant to Section 159 of the General Statutes of North Carolina. The special obligation bonds will be secured by and payable from certain revenues of the City, including the receipts from sales taxes and state utility taxes, but will not constitute a pledge of the City's taxing power.

NOTICE IS HEREBY GIVEN that on March 9, 2021 at or about 5:00 p.m., a public hearing will be conducted by the City Council concerning the approval of the execution and delivery of Amendment Number Four. This will be a remote meeting. Public comment instructions will be available at http://www.ashevillenc.gov/council/meeting_agenda.htm on March 5, 2021 or by calling 828-259-5601. All interested parties are invited to present comments at the public hearing. Any person wishing to comment in writing should do so as provided in the public comment instructions referred to above or by sending to City of Asheville, 70 Court Plaza, Asheville, NC 28802, Attention: City Treasurer. Written comments must be submitted between the date of publication of this notice and 24 hours after the public hearing.

/s/ Magdalen Burleson
City Clerk
City of Asheville, North Carolina

RESOLUTION 21-39

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF SPECIAL OBLIGATION BONDS AND CERTAIN RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has previously financed through the execution of an installment financing in 2018 the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities, a complete list of which is available in the City Clerk's office (the *"2018 Projects"*);

WHEREAS, a portion of the 2018 Projects are in municipal service districts created by the City pursuant to Article 23 of Chapter 160A of the General Statutes of North Carolina;

WHEREAS, the City Council of the City (the *"City Council"*) hereby determines that it is in the best interest of the City to issue its special obligation bonds (the *"Special Obligation Bonds"*), as permitted by Article 7A of Chapter 159 of the General Statutes of North Carolina (the *"Act"*), to refinance a portion of the 2018 Projects that are located in municipal service districts (the remaining portion of the 2018 Projects are expected to be refinanced by the City through an installment financing);

WHEREAS, the City Council hereby further determines that each of the 2018 Projects to be refinanced with the Special Obligation Bonds are or will be located in a municipal service district that is either the central city or downtown area or an urban area that consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employment generating uses or any combination of these uses;

WHEREAS, the City Council hereby further determines that each of the 2018 Projects to be refinanced with the Special Obligation Bonds further the public health, safety, welfare, convenience, and economic well-being of the citizens of the municipal service district in which they are located;

WHEREAS, the City Council is considering the issuance of the Special Obligation Bonds in an aggregate principal amount not to exceed $22,000,000;

WHEREAS, the City Council hereby determines to (1) retain Parker Poe Adams & Bernstein LLP, as bond counsel, (2) retain DEC Associates, Inc., as financial advisor, (3) retain BofA Securities, Inc., as managing underwriter (the *"Underwriter"*), (4) approve the Underwriter's selection of Womble Bond Dickinson (US) LLP, as underwriter's counsel, and (5) retain The Bank of New York Mellon Trust Company, N.A., as trustee, in connection with the issuance by the City of the Special Obligation Bonds (collectively, the "*Financing Team*"); and

WHEREAS, the City Council wants the Chief Financial Officer, or his designee, (1) to file with the North Carolina Local Government Commission (the *"LGC"*) an application for its approval of the Special Obligation Bonds, on a form prescribed by the LGC, (2) to request in such application that the LGC approve (a) the negotiation of the sale of the Special Obligation Bonds to the Underwriter and (b) the Financing Team, (3) to state in such application such facts and to attach thereto such exhibits in regard

to the Special Obligation Bonds and to the City and its financial condition, as may be required by the LGC, and (4) to take all other action necessary for the issuance of the Special Obligation Bonds; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. ***Purpose of Special Obligation Bonds.*** That the Special Obligation Bonds are to be issued by the City in an aggregate principal amount not to exceed $22,000,000 for the purpose of providing funds (1) to refinance the costs of a portion of the 2018 Projects located in municipal service districts in the City and (2) to pay the costs of issuing the Special Obligation Bonds, as set out in the documents attached to the City's application to the LGC. The use of the proceeds of the Special Obligation Bonds, as described, is necessary in order to provide long-term refinancing for downtown revitalization projects and urban area revitalization projects.

Section 2. ***Direction to Retain Professionals.*** That the use of the Financing Team in connection with the City's issuance of the Special Obligation Bonds is hereby approved and ratified. The Chief Financial Officer, or his designee, is hereby authorized to retain such other professionals as he deems necessary in his judgment to carry out the transaction contemplated in this Resolution.

Section 3. ***Application to LGC.*** That the Chief Financial Officer of the City, with advice from the City Manager, the City Attorney, bond counsel and financial advisor, is hereby authorized, directed and designated to file an application with the LGC for its approval of the issuance of the Special Obligation Bonds.

Section 4. ***Sale to Underwriter.*** That the City Council requests that the LGC sell the Special Obligation Bonds through negotiation to the Underwriter on such terms as may be agreed on but at a true interest cost not exceeding 5.00%.

Section 5. ***Findings required by LGC.*** That the City Council finds and determines and asks the LGC to find and determine from the City's application and supporting documentation that the Special Obligation Bonds will effect the purposes of the Act and:

(a) that the issuance of the Special Obligation Bonds is necessary or expedient;

(b) that the not to exceed stated principal amount of the Special Obligation Bonds will be adequate but is not excessive, when added to other moneys available to the City, for the proposed refinancing of a portion of the 2018 Project;

(c) that the 2018 Projects and the proposed refunding are feasible;

(d) that the City's debt management procedure and policies are good;

(e) that the increase in taxes, if any, necessary to service the Special Obligation Bonds will not be excessive; and

(f) that the Special Obligation Bonds can be marketed at a reasonable interest cost to the City.

Section 6. ***Other Acts Authorized.*** That the Mayor, the City Manager, the Deputy City Manager, the City Attorney, the Chief Financial Officer and the City Clerk, and their respective designees, are hereby authorized, individually and collectively, to do any and all other things necessary to complete the steps necessary for the issuance of the Special Obligation Bonds.

Section 7. ***Repealer.*** That all motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 8. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 23rd day of February, 2021.

Magdalen Bardeson
City Clerk

Esther E. Markham
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bardeson
City Clerk

RESOLUTION NO. 21- 40

RESOLUTION TO AUTHORIZE THE CITY MANAGER'S EXECUTION OF A CONTRACT AMENDMENT WITH WESTERN CAROLINA RESCUE MINISTRIES, INC. TO PROVIDE CODE PURPLE EMERGENCY SHELTER

WHEREAS, people experiencing homelessness are particularly vulnerable to both COVID-19 complications and exposure to the elements; and

WHEREAS, traditional Code Purple emergency shelter options have been unavailable due to the pandemic; and

WHEREAS, the City of Asheville has executed an agreement with Western Carolina Rescue Ministries, Inc. to provide Code Purple emergency shelter at an alternate location; and

WHEREAS, additional resources are required to meet this critical need; and

WHEREAS, the parties have agreed to continue this essential operation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager's execution of a contract amendment with Western Carolina Rescue Ministries, Inc. to provide additional Code Purple emergency shelter funding of $50,000, for a total contract cost not to exceed $130,000.

Read, approved, and adopted this 23rd day of February, 2021.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

130

RESOLUTION NO. 21- 41

RESOLUTION OF THE CITY OF ASHEVILLE ADOPTING ITS 2021 LEGISLATIVE AGENDA

WHEREAS, The 2021 legislative session of the North Carolina General Assembly convened in January of this year; and

WHEREAS, The City Council of the City of Asheville has identified certain matters of local and State-wide interest where legislative action is needed or desired; and

WHEREAS, The City Council of the City of Asheville wishes to express its request for consideration and adoption of these initiatives to the General Assembly;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville Legislative Agenda for the 2021 Session of the North Carolina General Assembly, attached hereto as Exhibit A, is hereby adopted; and

The Asheville City Attorney is hereby directed to transmit a certified copy of this Resolution to the members of the General Assembly whose districts include the City of Asheville; and

The City Council offers the City's assistance to members of the General Assembly and the legislative staff with respect to any items listed on Exhibit A, including the provision of additional information, and further resolutions in support of specific bills; and

BE IT FURTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the members of the local delegation for their service on behalf of the City of Asheville

Read, approved and adopted by the City of Asheville this 23rd day of February, 2021.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

Exhibit A
CITY OF ASHEVILLE 2021 LEGISLATIVE AGENDA

Restoration of State Maintenance Assistance Program (SMAP)
The NCDOT SMAP program has long been a source of revenue to help grow access to the public transportation system in cities and regions across our State. SMAP has been an important source of support for urban transit by providing flexible funds for operations, infrastructure and the all-important matching funds that allow local governments access to federal transit funds. Recently, SMAP funding has been significantly reduced, placing public transit, and those who rely upon it, in jeopardy. The City, along with many other local governments, believe that reinvesting in this program is essential, and should be included in the upcoming budget proposals.

- Support budgetary measures that fully restore funding the SMAP for urban transit systems, and its companion rural program, Rural Operating Assistance Program (ROAP). and coordinate these efforts to the extent practical with other local municipalities.

Authority to Conduct a Referendum on a 1/4 cent Sales Tax for Transit
Many cities, including the City of Asheville, are in desperate need of additional funding to support the continued growth of their public transit system. Oftentimes, such funding comes from a dedicated sales tax. Current legislative authority only permits such taxes to be imposed on a county-wide basis pursuant to a duly conducted voter referendum. It is the belief of the Asheville City Council that there is strong community support for such a tax within the City of Asheville, and perhaps in other locations as well, but this question could only be posed to the voters if additional authority is granted to allow the tax to be applied only within municipal limits.

- Support legislation to provide authority for Asheville, or general legislation to empower cities throughout the State, to conduct a local referendum on the institution of a municipality specific quarter cent sales tax to fund public transit.

Authority for Establishment of a Civilian Oversight Board for Police
Following substantial civil unrest in response to nationwide occurrences of excessive use of force by police officers, the public has called upon local governments to provide additional avenues for civilian oversight of law enforcement. The City of Asheville believes that the best option to achieve this end is through the establishment and utilization of a civilian oversight board. New local or general legislation is needed to empower the City of Asheville, and municipalities throughout the State, with this authority. The intent of such a board would be to build a better relationship between the community and law enforcement, and to provide a transparent process by which complaints may be reviewed by members of the community prior to any final disciplinary action being taken, as well as having advisory authority over policy matters. Properly constituted, this board would be empowered to review materials necessary to provide recommendations to the Chief of Police, while still preserving employees' privacy and due process protections.

- Support legislation to provide local or general authority for the establishment of a civilian oversight board to review police use of force cases, and to provide recommendations to the Chief of Police regarding disciplinary action.

Reform the Local Occupancy Tax Utilization

Buncombe County first obtained the authority from the General Assembly to levy an occupancy tax in 1983 through Session Law 1983-908. This law has been amended several times, most recently in 2015 via Session law 2015-128. In its present form, the Buncombe County occupancy tax constitutes a six percent tax on room rentals. From these funds the local Tourism Development Authority (TDA) is required to spend three-fourths of the total tax revenue on the promotion of travel and tourism, with the remainder being spent on capital expenditures for major tourism projects which increase the use of tourism facilities.

- Support legislation to amend or reform Session Law 2015-128 to direct a more equitable distribution of funds collected, expand the allowable uses of the funds to benefit the community, and increase the spectrum of qualified TDA board membership to allow for broader and more representative community engagement. The City of Asheville would specifically request that allowances for membership be provided for community members working in the arts and entertainment industry, tourism based service workers, and those owning and operating short term rental or homestay properties.

Authority for Electronic Meetings

As part of the work of the General Assembly to provide relief during the COVID-19 pandemic, the General Assembly passed amendments to Chapter 166A of the North Carolina General Statutes that provided clear authority for local governments and other public bodies to hold electronic meetings during a state of emergency declared by either the Governor or the General Assembly. However, after working through the many months of the pandemic, it is a concern of the City that once any state of emergency declared by the Governor or General Assembly ends, the clear authority to hold electronic meetings ends. The City, along with other local governments, believes that the authority given should be made permanent, and usable at the discretion of local governments.

- Support legislation to make clear authority for electronic meetings permanent and usable at the discretion of local governments.

Clarification on Council Action following Public Hearings

In addition to the provision of authority for public bodies to conduct remote meetings during the COVID-19 pandemic state of emergency, the General Assembly also included a provision within its amendments to Chapter 166A of the North Carolina General Statutes that provided authority for local governments and other public bodies to conduct public hearings required or authorized by law during a state of emergency. However, section (d) of § 166A-19.24 created ambiguity as to when the public body may conduct a vote following the public hearing. This section of the statute requires the public body to allow for the submission of written comments for 24 hours following the public hearing. The language has created confusion for municipalities about when a vote may be conducted, and resulted in significant delays in official actions being taken. The City, along with other local governments, believes that revisions to this section of Chapter 166A should be made to remove the ambiguity and allow for votes to be taken at the same meeting as the relevant public hearing.

- Support a legislative amendment providing clear direction to public bodies that votes may be taken, if otherwise permitted by law, at the same remote meeting in which the relevant public hearing is conducted.

Oppose Legislation that Would Punish Cities for Altering Law Enforcement Budgets

Recent legislation has been filed in the General Assembly which, if adopted, would strip vital funding from any city which made relatively small adjustments to local law enforcement budgets. Beyond being a punitive option which would partially remove local budgetary authority from local government, such a bill

would likely have numerous unintended and wide ranging ramifications. Even normal yearly fluctuations in capital expenditures could potentially trigger State defunding. The City of Asheville believes that the budgetary decisions on how to deliver local services, including public safety, are best left to the local governments who are in the best position to understand the needs of their local communities.

- Oppose legislation which would defund cities who make adjustments to their local law enforcement budgets, including but not limited to the currently pending Senate Bill 100.

RESOLUTION NO. 21-42

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AUSTIN CONSTRUCTION & GRADING COMPANY FOR THE PEBBLE CREEK STREAM STABILIZATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Pebble Creek Stream Stabilization Project, City of Asheville Project #SW-2018-001; and

WHEREAS, Austin Construction & Grading Company was the lowest responsive, responsible bidder for the Project; and

WHEREAS, Austin Construction & Grading Company shall provide all labor, materials and equipment for the Stream Stabilization and all its associated items; and

WHEREAS, the amount of the bid is $295,680 and the monies have been budgeted in the Stormwater Capital Fund; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's ABI Office representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $295,680 with Austin Construction & Grading Company and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $59,136 (20%) for a total budget of $354,816 for the Pebble Creek Stream Stabilization project.

Read, approved, and adopted this the 9th day of March 2021.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-43

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE AN AMENDMENT TO THE COVID-19 SUPPLEMENTAL TRANSIT OPERATIONS CONTRACT WITH YOUNG TRANSPORTATION AND TO EXTEND THE CONTRACT THROUGH JUNE 30, 2021

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville issued a competitive request for proposals for the purpose of providing supplemental transit operations services in an effort to partially restore service reduced; and

WHEREAS, the City of Asheville awarded the contract to Young Transportation to provide daily supplemental transit operations services for the City of Asheville; and

WHEREAS, the City has since provided $1,522,000 to Young Transportation to provide supplemental transit operations service in the City of Asheville's service area;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to approve an amendment to the COVID-19 Supplemental Transit Operations Contract with Young Transportation to increase the contract by an additional $480,000 to bring the contract total from $1,522,000 to $2,002,000, and to extend the contract through June 30, 2021.

Read, approved and adopted this the 9th day of March, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-44

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH IPC PAVING, LLC DBA IPC STRUCTURES, LLC. FOR THE CONSTRUCTION OF THE FRENCH BROAD RIVER GREENWAY WEST BANK.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the French Broad River Greenway West Bank, NCDOT Project #U-5019B; and

WHEREAS, IPC Paving, LLC dba IPC Structures, LLC of Hendersonville NC was the lowest responsive and responsible bidder for the project; and

WHEREAS, IPC Paving, LLC dba IPC Structures shall provide all labor, materials, and equipment for the construction of the French Broad River Greenway West Bank; and

WHEREAS, the amount of the bid is $3,252,544, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with IPC Paving, LLC dba IPC Structures, LLC, in the amount of $3,252,544, for the French Broad River Greenway West construction project; and further authorized to execute any change orders that may arise during the project up to the contingency amount of 10% ($325,254).

Read, approved, and adopted this the 9th day of March 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-45

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH COOPER CONSTRUCTION COMPANY, INC. FOR THE 2020 PRESSURE REDUCING VALVE REPLACEMENT PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the 2020 Pressure Reducing Valve Replacements Project; and

WHEREAS, Cooper Construction Company, Inc., was the lowest responsible, responsive bidder for the project, in the amount of $124,625; and

WHEREAS, the project includes, but is not limited to, all labor, noted materials, equipment, and incidentals required for the installation of 2 Pressure Reducing Valve Stations along with related appurtenances and materials required in order to complete the work located along Windy Gap Road and East Sondley Drive; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Cooper Construction Company, Inc., for the 2020 Pressure Reducing Valve Replacements Project for the contract amount of $124,625.00 and further authorizing the City Manager to execute any contract amendments or change orders up to 15% ($18,693.75) for a total contract amount not to exceed $143,318.75.

Read, approved, and adopted this 9th day of March 2021.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

138

RESOLUTION NO. 21-46

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY EAST OF BELLEVUE ROAD AND WEST OF EDGEWOOD ROAD.

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes, the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, the City of Asheville is hereby permanently closing a portion of unopened right of way connecting east of Bellevue Road and west of Edgewood Road; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes a portion of the unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road described as follows.

A parcel of land (PIN 9656-27-3146 & PIN 9656-27-7148, DB 14E/PG 1548, DB 1122/PG 527, & PB 4/PG 38) located in Buncombe County, North Carolina in the Asheville Township, and being more particularly described as follows:Parcel PIN 9656-27-3146 & PIN 9656-27-7148 Commence at the NGS concrete monument "Buena Vista" PID AA5569 (N:665398.52 E:950083.26); thence North 53°22'35" East, 2672.04 feet to a five-eighths inch rebar found (N:666992.19 E:952227.30) at a common property corner of the parcels described in Deed Book 1122, Page 527, Deed Book 1399, Page 698, and Deed Book 1799, Page 333 of the Buncombe County Public Registry, and said point being the point of beginning of the parcel herein described; thence from said POINT OF BEGINNING with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1799, Page 333 the following two (2) courses and distances: (1) North 02°39'07" East, 235.76 feet to a one-half inch rebar set; and (2) North 35°21'59" East, 102.96 feet to a five-eighths inch rebar found at a common property corner of said parcels and at the terminus of the southern right-of-way line of the unopened portion of Bellevue Road shown in Plat Book 21, Page 69 of the Buncombe County Public Registry; thence leaving said common property line, and with the end of said road, North 35°11'30" East, 29.55 feet to a one-half inch rebar set at a common property corner of the parcels described in Deed Book 1122, Page 527 and Deed Book 1799, Page 337 of the Buncombe County Public Registry; thence leaving said end of the road, and with the common property line of said parcels, North 86°12'26" East, 107.73 feet to a point at the southwestern property corner of the parcel described in Deed Book 2001, Page 310 of the Buncombe County Public Registry; thence with the southern property line of said parcel the following three (3) courses and distances: (1) North 86°12'26" East, 46.05 feet to a point at the terminus of the western line of an unopened alley shown in Plat Book 4, Page 38 of the Buncombe County Public Registry; (2) North 86°12'26" East, 25.17 feet to a point at the terminus of the eastern line of said unopened alley; and (3) North 86°12'26" East, 9.38 feet to a point at a common property corner of the parcels described in Deed Book 2001, Page 310 and Deed Book 1799, Page 337; thence leaving said southern property line, and with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1799, Page 337 the following two (2) courses and distances: (1) North 86°12'26" East, 149.06 feet to a one and one-quarter inch open top iron pin found; and (2) North 81°11'46" East, 176.98 feet to an angle iron found at a common property corner of said parcels and the parcel described in Deed Book 5172, Page 781 of the Buncombe County Public Registry; thence leaving said

common property line, and with the common property lines of the parcels described in Deed Book 1122, Page 527 and Deed Book 5172, Page 781 the following two (2) courses and distances: (1) South 00°12'54" West, 140.28 feet to an angle iron found; and (2) North 78°23'54" East, 197.82 feet to a five-eighths inch rebar found on the western right-of-way line of Edgewood Road South; thence leaving said common property lines, and with said right-of-way line, South 01°06'16" West, 129.13 feet to a three-quarter inch open top iron pin found at the northeastern property corner of the parcel described in Deed Book 5011, Page 905 of the Buncombe County Public Registry; thence leaving said right-of-way line, and with the common property lines of said parcel and the parcel described in Deed Book 1122, Page 527 the following two (2) courses and distances: (1) South 79°29'21" West, 195.44 feet to a one-half inch open top iron pin found; and (2) South 00°47'01" West, 64.89 feet to an angle iron found at a common property corner of said parcels and the parcel described in Deed Book 4013, Page 828 of the Buncombe County Public Registry; thence leaving said common property lines, and with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 4013, Page 828, South 04°00'14" West, 64.69 feet to a one-half inch rebar set at a common property corner of said parcels and the parcel described in Deed Book 1413, Page 265 of the Buncombe County Public Registry; thence with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1413, Page 265 the following three (3) courses and distances: (1) North 89°50'25" West, 344.49 feet to a point at the terminus of the eastern line of the unopened alley shown in Plat Book 4, Page 38; (2) North 89°50'25" West, 25.02 feet to a point at the terminus of the western line of said unopened alley; and (3) North 89°50'25" West, 97.55 feet to a point at a common property corner of the parcels described in Deed Book 1413, Page 265 and Deed Book 1399, Page 698; thence leaving said common property line, and with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1399, Page 698, North 89°50'25" West, 125.21 feet to the point of beginning as shown on a survey by Jason N. Gasperson, PLS #L-5267 of McGill Associates, recorded in Plat Book XXX, Page XXX, Buncombe County Public Registry containing 5.364 Acres more or less.The BASIS OF BEARINGS for this description is North Carolina state plane grid North

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 9th day of March, 2021.

Magdalen Burleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-47

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY CONNECTING TO BILTMORE AVENUE, DIRECTLY SOUTH OF WHITE FAWN DRIVE.

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes, the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, the City of Asheville is hereby permanently closing a portion of unopened right of way connecting to Biltmore Avenue, directly south of White Fawn Drive; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive, described as follows:

BEGINNING on a rebar with Blue Ridge Surveying Cap found 0.1 feet below the adjacent grade, the southwest corner of property owned now or formerly by Milan Asheville, LLC (Deed Book 5502, Page 430), said rebar having N.C. Grid NAD 83 (2011) coordinates of N 686249.67 feet, E 944344.99 feet and lying S 06°12'49" E 1658.91 feet (grid distance), 1659.25 feet (ground distance) from NGS Monument "Endoscopy" and running thence S 07°59'52" W 8.00 feet to a 3/8" rebar found flush with the adjacent grade, a western corner of property owned now or formerly by The County of Buncombe (Deed Book 3871, Page 266); thence running with the line of The County of Buncombe S 81°49'21" E 134.65 feet to a 3/8" rebar found 0.1 feet above the adjacent grade; thence continuing with The County of Buncombe N 09°31'41" E 7.96 feet to a rebar with Blue Ridge Surveying Cap found flush with the adjacent grade, the southeast corner of Milan Asheville, LLC (Deed Book 5502, Page 430), lying S 09°10'13" W 53.82 feet from a rebar with Blue Ridge Surveying Cap found 0.3 feet above the adjacent grade; thence with the southern line of Milan Asheville, LLC N 81°48'35" W 134.86 feet to the point and place of BEGINNING, containing 0.02± acres, 1075± sq. ft., and being shown on an unrecorded survey by Phillip B. White, PLS of Ed Holmes and Associates, PA dated January 8, 2021 titled "Survey of Unnamed Alley to be Abandoned for Milan Asheville, LLC and The County of Buncombe", and having job number 19319, also being the western portion of the 8 foot wide alley shown on Plat Book 20, Page 115.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 9th day of March, 2021.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-48

RESOLUTION REQUESTING THAT THE CITY OF ASHEVILLE'S LOCAL DELEGATION TO THE N.C. GENERAL ASSEMBLY PURSUE A MODIFICATION TO THE LOCAL ACTS SETTING FORTH THE SELECTION PROCESS FOR CITY OF ASHEVILLE SCHOOL BOARD MEMBERS.

WHEREAS, the Asheville School Board was created in 1931, pursuant to Chapter 149 of the Private Laws of the North Carolina General Assembly of that year, with amendments having been made on numerous occasions by the North Carolina Legislature; and

WHEREAS, since its inception in 1931, the membership of the Asheville School Board has been filled by appointments made by the City Council; and

WHEREAS, there are only two school boards in the State of North Carolina, including Asheville's, whose members are appointed by the municipality's governing body; and

WHEREAS, the Asheville City Council recognizes the importance of the citizens and parents ability to have a say in the election of the representatives on the Asheville School Board and, therefore, respectfully requests that the appointment process of the Asheville School Board be amended to partially relinquish the appointing duties of the Asheville City Council by increasing the Board's membership to seven and allowing for four of the members to be elected by the citizens in accordance with provisions of law relating to such election and in accordance with the laws governing general elections in the State of North Carolina as the same shall be applicable;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Asheville requests that its local delegation to the North Carolina General Assembly consider increasing the membership of the Asheville School Board to seven and to amend the selection process for membership to allow for four of the Asheville School Board's members to be elected by residents of the Asheville City Schools District, while the remaining three members still being appointed by the Asheville City Council, and the chair to be selected by the Board itself.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Asheville recommends that the Asheville School Board elections be based on four-year terms, with no member serving more than two (2) consecutive full terms without an intervening period of four (4) years.

Read, approved, and adopted this 9th day of March, 2021.

Magdalen Bowleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

142

RESOLUTION NO. 21-49

RESOLUTION REQUESTING THAT THE CITY OF ASHEVILLE'S LOCAL DELEGATION TO THE N.C. GENERAL ASSEMBLY PURSUE A MODIFICATION TO THE LOCAL ACTS SETTING FORTH THE SELECTION PROCESS FOR CITY OF ASHEVILLE SCHOOL BOARD MEMBERS.

WHEREAS, the Asheville School Board was created in 1931, pursuant to Chapter 149 of the Private Laws of the North Carolina General Assembly of that year, with amendments having been made on numerous occasions by the North Carolina Legislature; and

WHEREAS, since its inception in 1931, the membership of the Asheville School Board has been filled by appointments made by the City Council; and

WHEREAS, there are only two school boards in the State of North Carolina, including Asheville's, whose members are appointed by the municipality's governing body; and

WHEREAS, the Asheville City Council recognizes the importance of the citizens and parents ability to have a say in the election of the representatives on the Asheville School Board and, therefore, respectfully requests that the appointment process of the Asheville School Board be amended to relinquish the appointing duties of the Asheville City Council and instead allow for the members to be elected by the citizens in accordance with provisions of law relating to such election and in accordance with the laws governing general elections in the State of North Carolina as the same shall be applicable; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Asheville requests that its local delegation to the North Carolina General Assembly consider amending the selection process for membership on the Asheville School Board to allow for all members of the Asheville School Board to be elected by residents of the Asheville City Schools District;

NOW THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Asheville recommends that the Asheville School Board elections be based on four-year terms, with no member serving more than two (2) consecutive full terms without an intervening period of four (4) years.

Read, approved, and adopted this 9th day of March, 2021.

Magdalen Bowlson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-50

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BLANCHARD, MILLER, LEWIS AND ISLEY, P.A. FOR GOVERNMENT RELATION SERVICES

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S §160A-20.1 to enter into contracts with private entities to carry out any public function which is authorized to engage in by law; and

WHEREAS, the City requires legislative representation and advocacy for the 2021 Sessions of the North Carolina General Assembly on matters which are of significant interest to the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Attorney, on behalf of the City of Asheville, is hereby authorized to enter into an agreement with Blanchard, Miller, Lewis and Isley, P.A. for the provision of legislative services, which includes services for 2021 Session of the North Carolina General Assembly, in an amount not to exceed $72,000, plus expenses, subject to the approval of the City Attorney; and

The City Attorney be further authorized to extend this contract for up to two additional one year terms at the same annual rate.

Read, approved and adopted this the 23rd day of March, 2021.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

144

RESOLUTION NO. 21-51

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH HYATT PIPELINE, LLC, FOR THE WATER SYSTEM NEIGHBORHOOD ENHANCEMENT PROJECT AREA 6

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the Water System Neighborhood Enhancement Project Area 6; and

WHEREAS, Hyatt Pipeline, LLC, was the lowest responsible, responsive bidder for the Project, in the amount of $2,038,917.55; and

WHEREAS, the project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 5,100 Linear Feet of 8-inch and 6,700 Linear Feet of 6-inch waterline and appurtenances along Livingston St & Depot St, Old Shoals Road Ext, Monte Vista Pl, Downing St, Frederick St, Britt Dr, Hilltopia Rd, Plateau Rd, and Pine Tree Dr.; and

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Asheville Business Inclusion Compliance Office) with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with Hyatt Pipeline, LLC, for the Water System Neighborhood Enhancement Project Area 6 for the bid amount of $2,038,917.55 and further authorizing the City Manager to execute any contract amendments or change orders up to 10% ($203,891.75) above the bid amount.

Read, approved and adopted this 23nd day of March 2021.

Magdalen Bullerson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

RESOLUTION NO. 21-52

RESOLUTION TO CHANGE THE NAME OF THE FRENCH BROAD RIVER EAST BANK GREENWAY TO THE WILMA DYKEMAN GREENWAY

WHEREAS, the proposed greenway is a three and a half mile long greenway corridor in the City limits that lies along the French Broad River between the Amboy Road and Broadway Street intersections; and

WHEREAS, The City of Asheville recognizes Wilma Dykeman as a civic leader of the community that raised awareness of the cultural and environmental importance of the French Broad River; and

WHEREAS, the City of Asheville Multimodal Transportation Commission and Greenway Committee both support the recommended name change; and

WHEREAS, the City of Asheville worked with the non-profit organization RiverLink to complete a public engagement survey to collect public feedback regarding the proposed name change, the results of which indicated broad support for the name change; and

WHEREAS, the name change will facilitate users of the greenway system by creating a more clear distinction between the greenways on the French Broad River and will facilitate emergency services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to change the name of the French Broad River East Bank Greenway to the Wilma Dykeman Greenway.

Read, approved and adopted this the 23rd day of March, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

146

RESOLUTION NO. 21- 53

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PARKER POE ADAMS & BERNSTEIN, LLP TO PROVIDE BOND COUNSEL SERVICES FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville ("the City") has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City requires the legal services of bond counsel to review, prepare, and assist the City in matters related to bond issuance.; and

WHEREAS, Parker Poe Adams & Bernstein, LLP has a long-standing client relationship with the City, providing necessary bond counsel services to the City of Asheville with satisfactory results; and

WHEREAS, the City desires to award a contract to Parker Poe Adams & Bernstein, LLP for bond counsel services for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Parker Poe Adams & Bernstein, LLP for financial advisory services for the City of Asheville, in the amount of $500,000, as well as any change orders, provided no change order causes the total amount of expenditures to exceed $500,000.

Read, approved and adopted this, the 23rd day of March 2021.

Magdalen Bouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 21- 54

RESOLUTION AUTHORIZING THE CITY SWIM CLUB MANAGEMENT GROUP, INC. FOR THE MANAGEMENT OF CITY AQUATIC FACILITIES

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Parks & Recreation Department issued a Request for Proposal (RFP) for the management and operations of city aquatic facilities; and

WHEREAS, Swim Club Management Group, Inc. was selected based on the qualifications, understanding of the scope of services, cost, and availability; and

WHEREAS, the City desires to enter into a contract with Swim Club Management Group, Inc. for the operations and management of city aquatic facilities for (1) year with the option to renew for (2) years; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following way: It supports a well-planned and livable community through the investment in parks and open spaces;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to execute a contract with Swim Club Management Group, Inc., for the operations and management of city aquatic facilities, for an amount not to exceed $191,900.

Read, approved and adopted this 23th day of March, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

148

RESOLUTION NO. 21- 55

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MOORE & SON SITE CONTRACTORS, INC. FOR FOREST HILL / CALEDONIA - STORMWATER IMPROVEMENTS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Forest Hill / Caledonia - Stormwater Improvements Project, City of Asheville Project #SW-2018-003; and

WHEREAS, Moore & Son Site Contractors, Inc. was the lowest responsive, responsible bidder for the Project; and

WHEREAS, Moore & Son Site Contractors, Inc. shall provide all labor, materials and equipment for the stormwater improvements and all its associated items; and

WHEREAS, the amount of the bid is $538,290 and the monies have been budgeted in the Stormwater Capital Fund and General Capital Fund; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's ABI Office representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $538,290 with Moore & Son Site Contractors, Inc. and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $107,658 (20%) for a total budget of $645,948 for the Forest Hill/ Caledonia - Stormwater Improvements Project.

Read, approved, and adopted on this the 23rd day of March 2021.

Magdalen Bulleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-56

RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN AGREEMENT WITH AZTECA SYSTEMS, LLC FOR A CONTRACT FOR ENTERPRISE ASSET MANAGEMENT SYSTEM SOFTWARE LICENSE, MAINTENANCE AND SUPPORT

WHEREAS, the City of Asheville has authority pursuant to North Carolina General Statute §160A-20.1 to enter into contracts for services with other entities for the purchase of information technology goods and services; and

WHEREAS, the City currently has an enterprise-wide agreement with Azteca Systems, LLC for enterprise asset management software license, maintenance, and support, and staff recommends renewal of this agreement for an additional year and incorporation of the Metrics API tool; and

WHEREAS, Azteca Systems, LLC is the sole-source vendor to provide said license, maintenance, and support; and

WHEREAS, the current agreement between the City of Asheville and Azteca Systems, LLC is to be renewed to support numerous functional groups within the City and both parties wish to enter a new agreement for this purpose;

WHEREAS, the funding is currently allocated within Water Resources Department and Public Works Department budgets;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to renew an enterprise-wide agreement with Azteca Systems, LLC on behalf of the City of Asheville for the purpose of providing an enterprise license agreement contract for asset management software, maintenance and support in the amount of $66,000 per year for City-wide use. Further, the City Manager is authorized to execute annual maintenance renewals as needed by City departments for an amount not to exceed the City's approved budget, for those departments, for each applicable fiscal year period.

Read, approved, and adopted this the 23rd day of March 2021.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

150

RESOLUTION NO. 21-57

RESOLUTION AMENDING THE 2021 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council will be holding their annual retreat on March 31 and April 1, 2021. The March 31 meeting will begin at 3:00 p.m. and the April 1 meeting will begin at 8:30 a.m., both on the Arena Floor of Harrah's Cherokee Center - Asheville, located at 87 Haywood Street, Asheville, N.C. This retreat will be in-person for Council members, a small number of staff facilitators and members of the media; however, due to COVID restrictions, the public should continue to view the meeting virtually. Members of the City Council and City staff will meet on March 31st prior to the start of the public meeting, but no public business will be deliberated and no actions will be taken. This portion of the retreat will not be open to the public. Members of the public and media will be provided a means to view the meeting remotely, but no public comment will be taken.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 23rd day of March, 2021.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-58

RESOLUTION AMENDING ARTICLE III, SECTION 1, OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE BYLAWS TO ADD TWO SEATS TO THE COMMITTEE FOR A TOTAL OF THIRTEEN MEMBERS FOR THE PURPOSE OF INCREASING DIVERSITY AND DEVELOPMENT EXPERTISE

WHEREAS, Resolution 11-118 established an Affordable Housing Advisory Committee (AHAC) on June 14, 2011; and

WHEREAS, Resolution 11-118 established AHAC to be composed of no more than 9 members who will represent the diverse viewpoints of community stakeholders on affordable housing; and

WHEREAS, Resolution 19-63 amended the AHAC By-Laws to be composed of no more than 11 members, adding a banker/lender with affordable and/or commercial loan experience to the list of desired members, who will continue to represent the diverse viewpoints of community stakeholders on affordable housing; and

WHEREAS, as the difficulty of developing and building affordable housing continues, AHAC would like to add additional members to the Committee to represent expertise needed to help address our affordable housing crisis; and

WHEREAS, on February 4, 2021, AHAC voted unanimously to request that the City Council approve an amendment to its Bylaws that will add two (2) additional members to the Committee which will result in a total Committee Membership of 13 members; and to amend the Bylaws and membership to include a senior staff member from the Housing Authority of the City of Asheville (HACA) to the list of desired members, who will continue to represent the diverse viewpoints of community stakeholders on affordable housing; and

WHEREAS, on March 9, 2021, Boards & Commissions voted unanimously to approve the above changes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Article III, Section 1 of the Bylaws of the Affordable Housing Advisory Committee be amended to add two (2) additional Committee Members for a total Committee Membership of 13 members; to include a senior staff member from the Housing Authority of the City of Asheville (HACA) to the list of desired members, who will continue to represent the diverse viewpoints of community stakeholders on affordable housing.

Read, approved and adopted the 23rd day of March, 2021.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-59

RESOLUTION AUTHORIZING THE CITY MANAGER TO USE THE SOLE SOURCE PROCUREMENT METHOD FOR THE FIRE STATION #4 RENOVATION.

WHEREAS, pursuant NCGS 143-129(e) 6, allows for Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. ; and

WHEREAS, standardization or compatibility is the overriding consideration to sole source Mach-Alert Station Alerting for Fire Station #4;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to use the sole source procurement method for Mach Alert Station Alerting for Fire Station #4.

Read, approved, and adopted this the 23rd day of March 2021.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-60

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes the City of Asheville has the authority to permanently close streets and alleys, including unopened right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right-of-way know as Trade Street; and

WHEREAS, City Council on the 9th day of February, 2021, adopted a Resolution of Intent to permanently close an unopened right-of-way known as Trade Street; and ordering a public hearing on the question of the closing for the 9th day of March, 2021, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right-of-way known as Trade Street; and

WHEREAS, the City Council held a public hearing on the closure on March 9, 2021, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes a portion of right of way known as Velvet St, described as: 8,458.89 sq. ft. of unopened right-of-way that is situated between PIN # 9638-98-2756 and PIN # 9638-98-3860. This right-of-way extends from the southern portion of Trade St. in a southeastern direction and ends at a line that extends from the southeastern property corner of the Meinch property to the southwestern corner of the Butler-Wilste property.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 23rd day of March, 2021 .

Magdalen Bowleson
City Clerk

Esther G Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION 21- 61

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, APPROVING AN AMENDMENT TO AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price;

WHEREAS, the City has previously executed and delivered an Installment Financing Contract dated as of June 1, 2012 (the *"2012 Contract"*), between the Asheville Public Financing Corporation (the *"Corporation"*) and the City, as amended by an Amendment Number One to the Installment Financing Contract dated as of June 1, 2016 (*"Amendment Number One"*) between the Corporation and the City, an Amendment Number Two to the Installment Financing Contract dated as of November 1, 2017 (*"Amendment Number Two"*) between the Corporation and the City and an Amendment Number Three to the Installment Financing Contract dated as of June 1, 2018 (*"Amendment Number Three"*) between the Corporation and the City;

WHEREAS, the proceeds related to entering into the 2012 Contract were used by the City to finance the costs of (1) acquiring, constructing and improving certain streets, sidewalks, greenways, sewer facilities and other improvements related thereto in the City; (2) renovating and improving City Hall and the Civic Center; (3) acquiring and installing vehicles and equipment; and (4) refinancing prior installment payment obligations of the City, the proceeds of which were used to finance and refinance improvements to various City facilities;

WHEREAS, the proceeds related to entering into the 2012 Contract, as amended by Amendment Number One, were used by the City to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities (the *"2016 Projects"*) and a portion of such 2016 Projects were refinanced from the proceeds related to entering into the 2012 Contract, as amended by Amendment Number Two (the remaining amount was refunded with the proceeds of special obligation bonds);

WHEREAS, the proceeds related to entering into the 2012 Contract, as amended by Amendment Number Three, were used by the City to finance the costs of various projects in the City for affordable housing, public safety, transportation, economic development, parks and recreation and repair and renovation to City facilities, a complete list of which is available in the City Clerk's office (the *"2018 Projects"*);

WHEREAS, the City Council of the City (the *"City Council"*) has determined that it is in the best interest of the City to enter into Amendment Number Four to the Installment Financing Contract between the City and the Corporation (*"Amendment Number Four"* and together with the 2012 Contract, Amendment Number One, Amendment Number Two and Amendment Number Three, the *"Contract"*) in

order to refinance the costs of a portion of the 2018 Projects (the remaining portion of the 2018 Projects are expected to be refinanced by the City through the issuance of special obligation bonds) and to pay the costs related to entering into Amendment Number Four;

WHEREAS, in order to secure its obligations under the Contract, the City has granted a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2012, as amended by a Notice of Extension and Amendment to Deed of Trust dated as on June 1, 2016 (collectively, the *"Deed of Trust"*), on the real property on which City Hall, the City's Public Works Facility and the City's Municipal Building is located;

WHEREAS, in connection with entering into the Contract, the Corporation has executed and delivered Limited Obligation Bonds (City of Asheville, North Carolina), Series 2012 (the *"2012 Bonds"*), Limited Obligation Bond, Series 2016 (the *"2016 Bond"*), Limited Obligation Bonds (City of Asheville, North Carolina), Series 2017 (the *"2017 Bonds"*), and Limited Obligation Bond (City of Asheville, North Carolina), Series 2018 (the *"2018 Bond"*), each evidencing proportionate undivided interests in rights to receive certain Revenues pursuant to the Contract, to assist the City in financing and refinancing the projects described above;

WHEREAS, the 2012 Bonds, the 2016 Bond, the 2017 Bonds and the 2018 Bond were executed and delivered under an Indenture of Trust dated as of June 1, 2012 (the *"2012 Indenture"*), as supplemented by Supplemental Indenture, Number 1 dated as of June 1, 2016, Supplemental Indenture, Number 2 dated as of November 1, 2017 and Supplemental Indenture, Number 3 dated as of June 1, 2018, each between the Corporation and Branch Banking and Trust Company, the successor to which is Truist Bank, as trustee (the *"Trustee"*);

WHEREAS, to facilitate the refinancing on the terms most desirable to the City, the Corporation will execute and deliver its Limited Obligation Bonds (City of Asheville, North Carolina), Series 2021 (the *"2021 Bonds"*) to provide the funds to the City to refinance the applicable portion of the 2018 Projects and refund a portion of the 2018 Bond;

WHEREAS, the 2021 Bonds will be executed and delivered under the 2012 Indenture, as further supplemented by Supplemental Indenture, Number 4 (the *"Fourth Supplement"*), between the Corporation and the Trustee, and will evidence proportionate undivided interests in rights to receive certain Revenues pursuant to the Contract on a parity basis with all other bonds issued and outstanding under the 2012 Indenture;

WHEREAS, in connection with the sale of the 2021 Bonds by the Corporation to BofA Securities, Inc. (the "*Underwriter*"), the Corporation and the City will enter into a Bond Purchase Agreement to be dated on or about April 15, 2021 with the Underwriter (the "*Purchase Agreement*");

WHEREAS, copies of the forms of Amendment Number Four, the Fourth Supplement and the Purchase Agreement relating to the transactions described above are on file with the City staff for review by the City Council;

WHEREAS, to make an offering and sale of the 2021 Bonds, there will be prepared a Preliminary Official Statement (the "*Preliminary Official Statement*"), a draft of which is on file with the City staff for review by the City Council, and a final Official Statement (the *"Final Official Statement"* and, collectively with the Preliminary Official Statement, the "*Official Statement*") with respect to the 2021 Bonds, which Official Statement will contain certain information regarding the City;

WHEREAS, the City Council held a public hearing on entering into Amendment Number Four, after publication of a notice with respect to such public hearing, on March 9, 2021 and the City has submitted its application for approval of the LGC with respect to entering into Amendment Number Four and the related transactions described above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. Authorization to Execute Amendment Number Four. That refinancing of a portion of the 2018 Projects under the Contract, including Amendment Number Four, in an aggregate principal amount not to exceed $16,000,000 is hereby approved. That the form and content of Amendment Number Four are hereby in all respects approved and confirmed, and the Mayor, the City Manager, the Chief Financial Officer, the Treasurer and the City Clerk, or their respective designees (in each case, individually or collectively, the "*Authorized Officers*"), are hereby authorized, empowered and directed, individually and collectively, to execute and deliver Amendment Number Four for and on behalf of the City, including necessary counterparts, in substantially the form and content made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein. From and after the execution and delivery of Amendment Number Four, the Authorized Officers, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of Amendment Number Four as executed.

Section 2. Authorization of Sale of 2021 Bonds. That the City Council approves the execution and delivery of the 2021 Bonds under the terms of the 2012 Indenture, as supplemented by the Fourth Supplement. The City Council approves the sale of the 2021 Bonds to the Underwriter on such terms as may be agreed on but at a true interest cost not exceeding 5.00%. The form and content of the Purchase Agreement are in all respects approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed to execute and deliver the Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

Section 3. Authorization of Official Statement. That the form and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and the final Official Statement by the Underwriter in connection with the sale of the 2021 Bonds is hereby in all respects authorized, approved and confirmed.

Section 4. City Representatives. That no stipulation, obligation or agreement herein contained or contained in the instrument related to the execution and delivery of Amendment Number Four is a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee will be personally liable on the Contract or the 2021 Bonds or subject to personal liability or accountability by reason of the execution or issuance thereof.

Each of the Authorized Officers is hereby designated as a City Representatives under the Contract and each is authorized to proceed with the transactions set forth in this Resolution and to seek opinions as a matter of law from the City Attorney, which City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Authorized Officers are in all respects authorized to supply on behalf of the City all information pertaining to the City for use in the Official Statement and the transactions contemplated by Amendment Number Four and the Official Statement. The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by and described in Amendment Number Four and the Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and the on-going administration of the instruments authorized hereunder.

Section 5. ***Severability.*** That if any one or more of the covenants, agreements or provisions contained in this Resolution is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or is for any reason whatsoever held invalid, then such covenants, agreements or provisions will be null and void and will be deemed separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions of this Resolution or Amendment Number Four and the other instruments authorized hereunder.

Section 6. ***Repealer.*** That all resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 7. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 23rd day of March, 2021.

Magdalen Bouleson
City Clerk

Edna G. Mata
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION 21-62

RESOLUTION AUTHORIZING THE APPROVAL, EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS AND OTHER MATTERS IN CONNECTION WITH THE ISSUANCE OF SPECIAL OBLIGATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City is authorized by General Statutes of North Carolina, Chapter 159, Article 7A (the "*Act*"), to issue, subject to the approval of the Local Government Commission of North Carolina (the "*Commission*"), at one time or from time to time, special obligation bonds of the City for the purposes as specified in the Act;

WHEREAS, the City Council of the City (the *"City Council"*) has adopted a Bond Order authorizing the issuance by the City of its Special Obligation Bonds, Series 2021 (the "*Special Obligation Bonds*") in a principal amount not to exceed $22,000,000 to refinance certain downtown revitalization projects and urban area redevelopment projects that are located in municipal service districts as permitted by the Act (the "*Projects*") and to pay the costs of issuing the Special Obligation Bonds;

WHEREAS, the City will issue the Special Obligation Bonds under a General Trust Indenture dated as of November 1, 2017 (the "*General Indenture*") between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*"), and Series Indenture, Number 2 to be dated as of April 1, 2021 (the "*Series Indenture,*" and together with the General Indenture, the "*Indenture*") between the City and the Trustee;

WHEREAS, the City and the Local Government Commission of North Carolina have arranged for the sale of the Special Obligation Bonds to BofA Securities, Inc. (the "*Underwriter*"), under the terms of a Bond Purchase Agreement to be dated on or about April 15, 2021 (the "*Purchase Agreement*"), among the City, the Commission and the Underwriter; and

WHEREAS, copies of the forms of the General Indenture, the Series Indenture and the Purchase Agreement relating to the transactions described above are on file with City staff for review by the City Council; and

WHEREAS, to make an offering and sale of the Special Obligation Bonds, there will be prepared a Preliminary Official Statement (the "*Preliminary Official Statement*"), a draft of which is on file with City staff for review by the City Council, and a final Official Statement (the *"Final Official Statement"* and, collectively with the Preliminary Official Statement, the "*Official Statement*") with respect to the Special Obligation Bonds, which Official Statement will contain certain information regarding the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. Authorization of Special Obligation Bonds. That the Special Obligation Bonds will be issued in an aggregate principal amount not to exceed $22,000,000 pursuant to the Act to raise the

money required, in addition to any funds which may be made available for such purpose from any other source, to (a) refinance the costs of the Projects and (b) pay the costs of issuing the Special Obligation

Bonds. The City's issuance of the Special Obligation Bonds, in substantially the form to be set forth in the Series Indenture, is hereby in all respects approved and confirmed, and the provisions of the General Indenture and the Series Indenture with respect to the Special Obligation Bonds are hereby approved and confirmed. The proceeds from the sale of the Special Obligation Bonds will be deposited in accordance with the Series Indenture.

The Special Obligation Bonds are special obligations of the City. The City is not obligated to pay the principal of, premium, if any, and interest on the Special Obligation Bonds from any funds of the City except from funds pledged under the Indenture. The Special Obligation Bonds do not constitute a legal or equitable pledge, charge, lien or encumbrance on any of its property or on any of its income, receipts or revenues except the funds pledged under the Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the Special Obligation Bonds, and no holder of the Special Obligation Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 2. Authorization to Execute Series Indenture. That the form and content of the Series Indenture are hereby in all respects approved and confirmed, and the Mayor, the City Manager, the Chief Financial Officer, the Treasurer and the City Clerk, or their respective designees (in each case, individually or collectively, the "*Authorized Officers*"), are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Series Indenture for and on behalf of the City, including necessary counterparts, in substantially the form and content made available to the City Council, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the City's approval of any and all such changes, modifications, additions or deletions therein. From and after the execution and delivery of the Series Indenture, the Authorized Officers, or their respective designees, are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the General Indenture and the Series Indenture as executed.

Section 3. Authorization of Sale of Special Obligation. That the City Council requests that the Commission sell the Special Obligation Bonds through negotiation with the Underwriter on such terms as may be agreed on but at a true interest cost not exceeding [5.00]%. The form and content of the Purchase Agreement are in all respects approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed to execute and deliver the Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as he or she may deem necessary, desirable or appropriate, his or her execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

Section 4. Authorization of Official Statement. That the form and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the

Preliminary Official Statement and the final Official Statement by the Underwriter in connection with the sale of the Special Obligation Bonds is hereby in all respects authorized, approved and confirmed.

Section 5. ***City Representatives.*** That no stipulation, obligation or agreement herein contained or contained in the Special Obligation Bonds, the General Indenture, the Series Indenture, the Purchase Agreement or other instrument related to the issuance of the Special Obligation Bonds is a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee will be personally liable on the Special Obligation Bonds or subject to personal liability or accountability by reason of the issuance thereof.

Each of the Authorized Officers is hereby authorized to proceed with the transactions set forth in this Resolution and to seek opinions as a matter of law from the City Attorney, which City Attorney is authorized to furnish on behalf of the City, and opinions of law from such other attorneys for all documents contemplated hereby as required by law. The Authorized Officers are in all respects authorized to supply on behalf of the City all information pertaining to the City for use in the Official Statement and the transactions contemplated by the Series Indenture and the Official Statement. The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by and described in Series Indenture and the Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and the on-going administration of the instruments authorized hereunder. All acts and doings of the Authorized Officers that are in conformity with the purposes and intent of this Resolution and in the furtherance of the issuance of the Special Obligation Bonds and the execution, delivery and performance of the Indenture are hereby in all respects approved and confirmed.

Section 6. ***Severability.*** That if any one or more of the covenants, agreements or provisions contained in this Resolution is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or is for any reason whatsoever held invalid, then such covenants, agreements or provisions will be null and void and will be deemed separable from the remaining agreements and provisions and will in no way affect the validity of any of the other agreements and provisions of this Resolution or the Special Obligation Bonds authorized hereunder.

Section 7. ***Repealer.*** That all resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. ***Effective Date.*** That this Resolution is effective on the date of its adoption.

Read, approved and adopted this 23rd day of March, 2021.

Magdalen Bouleson
City Clerk

Eden E Mercer
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION 21-63

BOND ORDER AUTHORIZING THE ISSUANCE OF SPECIAL OBLIGATION BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes and laws of the State of North Carolina (the *"State"*);

WHEREAS, the City is authorized by General Statutes of North Carolina, Chapter 159, Article 7A (the "*Act*"), to issue, subject to the approval of the Local Government Commission of North Carolina (the "*Commission*"), at one time or from time to time, special obligation bonds of the City for the purposes as specified in the Act;

WHEREAS, the City Council of the City (the *"City Council"*) has made certain findings related to the issuance of special obligations bonds in a resolution adopted at its February 23, 2021 meeting;

WHEREAS, consistent with such findings, the City has determined to issue its Special Obligation Bonds, Series 2021 (the "*Special Obligation Bonds*") in a principal amount not to exceed $22,000,000 to refinance certain downtown revitalization projects and urban area redevelopment projects that are located in municipal service districts as permitted by the Act and as further described in Exhibit A hereto (the "*Projects*") and to pay the costs of issuing the Special Obligation Bonds;

WHEREAS, an application has been filed with the Secretary of the Commission requesting Commission approval of the Special Obligation Bonds as required by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the Special Obligation Bonds are hereby authorized and will be issued pursuant to the Act to raise the money required, in addition to any funds which may be made available for such purpose from any other source, to (a) refinance the costs of the Projects and (b) pay the costs of issuing the Special Obligation Bonds. The Projects, and the corresponding use of the proceeds of the Special Obligation Bonds to refinance the Projects, as described, are (1) located in a Municipal Service District created by the City in accordance with Section 159-536 of the General Statutes of North Carolina, (2) the downtown revitalization projects are located in the central city or downtown area of the City and are necessary in order to accomplish the revitalization of the City's downtown and are intended to further the public health, safety, welfare, convenience, and economic well-being of the central city and downtown area of the City and (3) the urban area revitalization projects are located in an urban area that consists primarily of existing or redeveloping concentrations of industrial, retail, wholesale, office, or significant employmentgenerating uses or any combination of these uses and are necessary in order to accomplish the revitalization of such urban area and are intended to further the public health, safety, welfare, convenience, and economic well-being of the urban area of the City.

Section 2. That the aggregate principal amount of the Special Obligation Bonds authorized by this order will not exceed $22,000,000. The Special Obligation Bonds, together with interest thereon, are special obligations of the City payable solely from the Pledged Funds (except to the extent paid out of money attributable to proceeds of the Special Obligation Bonds or the income from the temporary investment thereof), as set forth in a General Trust Indenture dated as of November 1, 2017 between the

City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*General Indenture*"). The

Pledged Funds under the General Indenture consist of: (1) that portion of the proceeds of the 1.0% sales and use tax levied by Buncombe County pursuant to Article 39 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City, (2) that portion of the proceeds of the 0.5% sales and use tax levied by Buncombe County pursuant to Article 40 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City, (3) that portion of the proceeds of the 0.5% sales and use tax levied by Buncombe County pursuant to Article 42 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City, (4) that portion of the proceeds pursuant to the Local Government Hold Harmless Provisions in Article 44 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City; and (5) that portion of the proceeds of the following utilities taxes levied by the State of North Carolina pursuant to Article 5 of Chapter 105 of the General Statutes of North Carolina which are distributed to the City: a franchise tax on electricity, a sales tax on telecommunications and video services, and an excise tax on piped natural gas.

Section 3. That the sources of payment identified in Section 2 so pledged and then held or hereafter received by the City or any fiduciary thereof shall immediately be subject to the lien of the pledge without any physical delivery of the sources or further act.

The Special Obligation Bonds are special obligations of the City. The City is not obligated to pay the principal of, premium, if any, and interest on the Special Obligation Bonds from any funds of the City except from funds pledged under the General Indenture. The Special Obligation Bonds do not constitute a legal or equitable pledge, charge, lien or encumbrance on any of its property or on any of its income, receipts or revenues except the funds pledged under the General Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the Special Obligation Bonds, and no holder of the Special Obligation Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 4. That the issuance and details of the Special Obligation Bonds shall be set forth in a separate resolution of the City Council.

Section 5. That this Bond Order will take effect immediately on its adoption and need not be published or subjected to any procedural requirements governing the adoption of orders, ordinances or resolutions by the City Council other than the procedures set out in the Act.

Read, approved and adopted this 23rd day of March, 2021.

Magdalen Bouleson
City Clerk

Esther G. Manheimer
Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

EXHIBIT A

Central Business District Municipal Service District

Downtown Revitalization Projects: The following projects are located in the downtown/central city area of the City of Asheville and further the public health, safety, welfare, convenience, and economic well-being of the downtown/central city area:

1. City Hall Repairs
2. Asheville Art Museum Upgrades
3. Thomas Wolfe Renovation
4. TPDF Theater Project – USCC HVAC
5. Eagle Market Place (Grant)

River Arts District Municipal Service District

Urban Area Revitalization Projects: The River Arts District, located in the City of Asheville along the French Broad River, is an urban area consisting of primarily existing or redeveloping renovations of industrial, retail, wholesale, office or significant employment generating uses. The following projects further the public health, safety, welfare, convenience, and economic well-being of the urban area:

1. Craven Street Improvements
2. TIGER VI Projects

North Charlotte Street Municipal Service District

Urban Area Revitalization Projects: The North Charlotte Street District, located just north of the downtown/central city area in the City of Asheville, is an urban area consisting of primarily existing or redeveloping renovations of industrial, retail, wholesale, office or significant employment generating uses. The following projects further the public health, safety, welfare, convenience, and economic well-being of the urban area:

1. Charlotte Street Improvements

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RESOLUTION NO. 21-64

RESOLUTION TO APPROVE THE DEMOLITION AND REMOVAL OF THE VANCE MONUMENT, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CHONZIE, INC. FOR THIS WORK, AND TO AUTHORIZE STAFF TO INITIATE A REQUEST FOR PROPOSALS TO DEVELOP A VISION DOCUMENT TO GUIDE THE FUTURE REPURPOSING OF THE VANCE MONUMENT AREA

WHEREAS, in recent years the Vance Monument has become a center for protests and counter-protests regarding issues of racial equality as well as others; and

WHEREAS, on numerous occasions the monument has been vandalized and the city has received significant threats that members of the public will attempt to topple the structure; and

WHEREAS, it has become apparent that the monument poses a significant risk to the public safety as an unsafe and dangerous condition, and it is therefore necessary to take action to mitigate this hazard; and

WHEREAS, on June 9 and June 16, 2020 the Asheville City Council and Buncombe County Board of Commissioners, respectively, approved a joint resolution declaring the Vance Monument to be a public safety hazard, to take action to remove two confederate statues located at the Buncombe County Courthouse and Pack Square Park, and to establish a jointly appointed task force to recommend action regarding the potential removal or re-purposing of the Vance Monument; and

WHEREAS, pursuant to North Carolina General Statute 100-2.1(c)(3), the City many remove an object of remembrance such as the Vance Monument when a public official has determined that the object poses a threat to public safety because of an unsafe or dangerous condition; and

WHEREAS, on November 19, 2020, the City and County-appointed Vance Monument Task Force voted to recommend removal of the monument; and

WHEREAS, Asheville City Council wishes to remove and demolish the Vance Monument as a matter of public safety, and

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the demolition and removal of the Vance Monument; and

WHEREAS, Chonzie, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, Chonzie, Inc. shall provide all labor, materials, and equipment for the demolition and removal of the Vance Monument; and

WHEREAS, the amount of the bid is $114,150.00, and funding for the project is allocated within the Capital Improvement Program Fund; and

WHEREAS, Asheville City Council supports the concepts in Living Asheville, the City's Comprehensive Plan, including making continued investment in Pack Square Plaza as an important piece of civic infrastructure that brings residents and visitors into downtown Asheville, our region's cultural and economic hub; and

WHEREAS, Asheville City Council wishes to hold an inclusive community engagement process that will result in a Vision Document that will guide the future repurposing of Pack Square Plaza;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City hereby reaffirms its determination and public proclamation that the Vance Monument, in its current condition, represents a significant public safety hazard due to the unsafe and dangerous condition that it creates, and that the City Manager is authorized to take action to effectuate its removal, and to authorize staff to initiate a visioning process for the Pack Square Plaza area; and

The City Manager is hereby authorized to execute a contract with Chonzie, Inc. in the amount of $114,150., for the Vance Monument demolition and removal project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $11,415. (10%).

Read, approved and adopted this the 23rd day of March, 2021.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

166

RESOLUTION NO. 21-65

RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION

WHEREAS, the terms of Joyce Brown, Patricia Griffin and James Carter, as members of the Asheville City Board of Education, expire on April 1, 2021; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

James Carter be hereby appointed as a member of the Asheville City Board of Education, to serve a four-year term, term to expire April 1, 2025, or until his successor is appointed.

Jacquelyn McHargue be hereby appointed as a member of the Asheville City Board of Education, to serve a four-year term, term to begin on April 1, 2021, and expire April 1, 2025, or until her successor is appointed.

Peyton O'Conner be hereby appointed as a member of the Asheville City Board of Education, to serve a four-year term, term to begin on April 1, 2021, and expire April 1, 2025, or until his successor is appointed.

Read, approved and adopted this 23rd day of March, 2021.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-66

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO CONDUCT FEASIBILITY SITE ASSESSMENTS AND ISSUE A JOINT SOLICITATION FOR ONSITE RENEWABLE ENERGY SYSTEMS

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-461, units of local government may enter into agreements with each other in order to jointly exercise any power or function of local government; and

WHEREAS, per City Council Resolution No. 18-279, the City established a goal to transition to 100% renewable energy from fossil fuel energy by December 31, 2030; and

WHEREAS, onsite renewable energy systems will support City Council Resolution No. 11-77 to reduce the municipal carbon footprint at a rate of 4% per year; and

WHEREAS, onsite renewable energy systems will support City Council Resolution No. 20-25 to end greenhouse gas emissions as soon as possible to restore a safe climate; and

WHEREAS, partnering with Buncombe County will increase the number of requested onsite renewable energy systems and may result in lower costs from responsive installers of renewable energy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an interlocal agreement with Buncombe County to conduct feasibility site assessments and to issue a joint solicitation for onsite renewable energy systems.

Read, approved, and adopted this the 13th day of April 2021.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21- 67

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FY 2021 CRRSAA (SECTION 5310) GRANT FUNDS, AND TO SIGN ALL APPROPRIATE AGREEMENTS WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA), FEDERAL AND STATE AGENCIES, EXECUTE A SUBRECIPIENT AGREEMENT WITH MOUNTAIN PROJECTS, INC., AND TO INCLUDE CRRSAA REVENUE IN THE FY 2021 TRANSIT OPERATING AND MULTI-YEAR FUND BUDGETS.

WHEREAS, pursuant to N.C.G.S.§ 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, the Federal Transit Administration (FTA) has announced Notice for Supplemental FY 2021 Section 5310 under the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) for funding transit operations that help transit systems to prevent, prepare for, and respond to COVID-19; and

WHEREAS, the French Broad River Metropolitan Planning Organization Board has reviewed the recommendations provided by the Transit Operators who are recipients of Section 5310 FTA Enhanced Mobility of Seniors and Individuals with Disabilities Transit Formula funds including the City of Asheville, Buncombe County, Haywood County, and Henderson County, who convened and discussed CRRSAA funding on November 20, 2020; and

WHEREAS, the 5310 FTA Enhanced Mobility of Seniors and Individuals with Disabilities Transit Formula funds to the Asheville UZA through the CRRSAA will be distributed to subrecipients via subrecipient agreements, based on the Adopted French Broad River MPO 5310 annual Call for Projects Suballocation Procedure on November 20, 2020; and

WHEREAS, the FTA will reimburse grant applicants for up to 100% of operating expenses with CRRSAA funding; and

WHEREAS, there is no local match required under the CRRSAA funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

The City Manager is authorized to apply for the FY 2021 CRRSAA (Section 5310) grant funds, and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute a subrecipient agreement with Mountain Projects, Inc., and to include the CRRSAA CARES revenue in the FY 2021 Transit budget.

Read, approved and adopted this 13th day of April, 2021.

Magdalen Pouleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Pouleson
City Clerk

RESOLUTION NO. 21-68

RESOLUTION APPROVING DONATIONS OF UNUSED SETTLEMENT FUNDS

WHEREAS, On June 10, 2020, the Buncombe County Superior Court approved the settlement of a class action lawsuit regarding certain water service fees entitled Mayfair Partners, LLC v. City of Asheville; and

WHEREAS, A condition of the the settlement required that any unclaimed portion of the settlement proceeds would be donated to a charity or charities to be selected by the Asheville City Council and approved by the plaintiffs in the action: and

WHEREAS, On October 27, 2020, in closed session, the City Council selected two nonprofit organizations to receive the donations, the Asheville City Schools Foundation and CoThinkk, both of which have received approval from the class action plaintiffs; and

WHEREAS, Following completion of the claims submittal process, it has been determined that the amount of $949,185.12 remains unclaimed, and must now be donated to the selected organizations; and

WHEREAS, The City Council wishes to divide the total amount of $949,185.12 evenly between the two organizations such that each will receive the amount of $474,592.56; and

WHEREAS, It is the expectation of the City Council that the donated funds will be utilized in such a way as to provide the public benefit of advancing racial equity within the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby directs the City Manager and City Attorney to effectuate the donation of the unclaimed and unused portion of the settlement funds described herein to the Asheville City Schools Foundation and CoThinkk, in equal amounts, and that each donation shall be memorialized by a donation agreement providing for the terms and conditions of the parties with respect to the donated funds.

Read, approved and adopted this 13th day of April, 2021.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

170

RESOLUTION NO. 21-69

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH BUNCOMBE COUNTY FOR ASSISTANCE AT COVID-19 VACCINATION AND TESTING SITES

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 132-461 to enter into contracts or agreements with other units of local government in order to execute any undertaking ; and

WHEREAS, North Carolina law requires that such agreements be ratified by resolution of the governing board of each unit spread upon its minutes; and

WHEREAS, in March 2020 a State of Emergency was declared by the County and the State of North Carolina due to the COVID-19 Pandemic and this State of Emergency is still in effect;

WHEREAS, Buncombe County has requested assistance from the Asheville Fire Department and Harrah's Cherokee Center Asheville for operations related to the County COVID-19 vaccination and testing sites;

WHEREAS, the City has agreed to offer such assistance and to assign staff for site operations as appropriate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an interlocal agreement with Buncombe County to provide assistance with COVID-19 vaccination and testing sites, and further authorized to collect funds from Buncombe County for reimbursement of the services provided to the County by the City of Asheville.

Read, approved and adopted this the 13th day of April, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21- 70

RESOLUTION TO ACCEPT DOGWOOD HEALTH TRUST FUNDING FOR AN AGREEMENT WITH WESTERN CAROLINA RESCUE MINISTRIES, INC. TO PROVIDE CODE PURPLE EMERGENCY SHELTER

WHEREAS, people experiencing homelessness are particularly vulnerable to both COVID-19 complications and exposure to the elements; and

WHEREAS, traditional Code Purple emergency shelter options have been unavailable due to the pandemic; and

WHEREAS, the City of Asheville has executed an agreement with Western Carolina Rescue Ministries, Inc. to provide Code Purple emergency shelter at an alternate location (First Congregational United Church of Christ) since December 2020; and

WHEREAS, Dogwood Health Trust has granted $50,000 toward the cost of the agreement with Western Carolina Rescue Ministries, Inc. to provide Code Purple emergency shelter;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby accepts a grant from Dogwood Health Trust in the amount of $50,000 toward the City's $130,000 agreement with Western Carolina Rescue Ministries, Inc. to provide Code Purple Emergency Shelter and authorizes the City Manager to execute any documents necessary to give effect to this resolution. .

Read, approved, and adopted this 13th day of April, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 21-71

RESOLUTION AUTHORIZING SUBMISSION OF AN AMENDMENT TO THE CITY'S ANNUAL ACTION PLAN FOR 2020-2021 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED ANNUAL ACTION PLAN, INCLUDING A BUDGET AMENDMENT TO REVISE THE AMOUNT OF THE FY 2020-21 CDBG PROGRAM INCOME (PI) TO INCLUDE $1.6M FROM THE SALE OF CITY-OWNED LAND ORIGINALLY PURCHASED THROUGH THE URBAN RENEWAL PROGRAM IN THE 1970S TO PURCHASE PROPERTY AT 65 FORD STREET.

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is the Lead Entity on behalf of the Asheville Regional Housing Consortium (ARHC) for the federal Home Investment Partnerships Program (HOME); and

WHEREAS, each year, the City must submit to the U.S. Department of Housing and Urban Development (HUD) an Annual Action Plan detailing its proposed use of CDBG and HOME funds for the upcoming fiscal year, updated to include the $1.6M in CDBG Program Income (PI) funds received from the sale of land at 172-174 S. Charlotte Street purchased through the Urban Renewal program in the 1970s; and

WHEREAS, the $1.6M in CDBG PI will be spent on the purchase of 65 Ford Street Asheville 28806, 21 acres to be utilized for the rebuild of the Deaverview Public Housing Apartments in partnership with the Housing Authority of the City of Asheville (HACA) serving more than 300 low and moderate income individuals and families, with the remaining balance being absorbed into CDBG PI for future CDBG allocations; and

WHEREAS, a public hearing has been held on March 23, 2021, to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the submission to HUD of an amendment to the Annual Action Plan for 2020-21 which is attached hereto as Exhibit A.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the implementation of the Consolidated Annual Action Plan.
3. City Council approves purchase of 65 Ford Street with the additional CDBG funds for the purposes described herein and authorizes the City Manager to execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 13th day of April, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

SUMMARY OF ANNUAL ACTION PLAN FOR 2020-2021 (Exhibit A)

CDBG PROGRAM

Projected Revenue:

Estimated 2020-21 Program Income	**$1,650,000**
Estimated 2019-20 Program Income	$24,000
Funds available for reallocation	$0
New CDBG Entitlement Grant	$1,046,871
Total CDBG Funds Available:	**$2,720,871**

Proposed Use of Funds:

2020-2021 PROGRAM	Funding Recommendations
CARING for Children-Trinity Place Runaway and Homeless Youth Shelter	$16,332
Helpmate, Inc-Emergency Shelter for Domestic Violence Survivors	$30,000
Homeward Bound of Western North Carolina-AHOPE Coordinated Entry	$47,000
OnTrack Financial Education & Counseling-Financial Capabilities Program	$25,000
YWCA of Asheville and Western North Carolina-Empowerment Child Care	$25,000
YWCA of Asheville and Western North Carolina-Mother Love	$25,000
Pisgah Legal Services-Homelessness Prevention Project	$45,000
Homeward Bound of Western North Carolina-Housing Services	$81,000
Eliada Homes - Homelessness Services Program	$15,000
Haywood Street Congregation - Respite	$20,000
Asheville Area Habitat for Humanity-Home Repair-Low Income Homeowners	$128,000
Mountain Housing Opportunity - Emergency Home Repair	$95,000
Mountain BizWorks-Opportunity Asheville	$120,000
Carolina Small Business Development Fund-Opportunity Asheville	$120,000
Eagle Market Streets Development Corporation IDA for Small Business	$30,000
The SPARC Foundation-Changing Together	$74,542
Purchase 65 Ford Street	***$1,500,000***
Contingency - TBD	***$100,000***
City of Asheville-Program Administration	$223,997
RECOMMENDED FUNDING	**$2,720,871**

HOME INVESTMENT PARTNERSHIP PROGRAM

Projected Revenue:

Estimated 20-21 Program Income	$19,586
2019-2020 Estimated Program Income	$23,127
"Returned" FY16-17 HOME Award	$165,000
Additional Program Income	$225,000
New HOME Entitlement Grant	$1,334,952
Total HOME Funds Available:	**$1,767,665**

Proposed Use of Funds:

2020-2021 PROGRAM	Funding Recommendations
Community Housing Coalition Madison County - Rural Rehabilitation	$150,000
Asheville Buncombe Community Land Trust - Home & Lot Purchase	$261,963
WDT Development- The Villas at Swannanoa	$840,000
Housing Assistance Corporation (HAC) - Transylvania Rehabilitation	$62,000
Housing Authority of the City of Asheville- TBRA Resident Mobility	$95,000
Homeward Bound of Western North Carolina- TBRA Asheville	$80,000
Homeward Bound of Western North Carolina - TBRA Buncombe	$100,000
Eliada Homes- Homeless Services Program	$18,750
City of Asheville - Program Administration	$159,952
RECOMMENDED FUNDING	**$1,767,665**

RESOLUTION NO. 21-72

RESOLUTION APPROVING THE LOAN MODIFICATION REQUESTED BY MOUNTAIN HOUSING OPPORTUNITIES ("MHO") TO ALLOW THEM TO MAINTAIN AFFORDABLE HOUSING CONDITIONS AT 61, 63, 65 AND 67 ANNANDALE, 6 TRINITY CHAPEL AND 280 MERRIMON AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, the City of Asheville executed loan agreements with MHO in the amounts, dates and addresses listed below, which were secured by a promissory note and deed of trust, for the production of twenty-two (22) affordable housing units; and

Project	Units	Original Principal Balance	Anticipated Balance on 7/31/2021	Yearly Interest	Maturity Date	Affordability Period Extension	Source
61-63 Annandale	6	$212,450	$187,104.84	5.3%	5/1/2021	5/1/2041	CARROT
65-67 Annandale	7	$231,000	$218,204.29	5.3%	5/1/2021	5/1/2041	CARROT
65-67 Annandale	7*	$31,500	$31,500.00	0%*	5/1/2021	5/1/2041	CDBG
6 Trinity Chapel	1	$33,000	$23,631.10	3%	10/1/2023	10/1/2043	CARROT
280 Merrimon	8	$250,000	$222,884.86	2%	3/1/2025	3/1/2045	CARROT

*This loan does not have an interest rate. 65-67 Annandale utilized both a CDBG and CARROT loan. This is represented as two entries due to two loans on the same unit. These units should not be counted twice when tallying total units

WHEREAS, the term of each loan was to run for a period of twenty (20) years, wherein at its expiration the full principal amount was to be due in full; and

WHEREAS, in December 2020, MHO stated their intention to continue management of each of the properties' twenty-two (22) units as affordable units for an additional period of twenty (20) years, and requested the terms of the loan be extended for a period of twenty (20) years to match the period of affordability and allow MHO to build reserves for capital improvements and other maintenance; and

WHEREAS, MHO also requests to eliminate yearly interest payments and raise the rent restrictions from 50% to 60% Area Median Income (AMI) for future tenants, and

WHEREAS, the modification of a CARROT or CDBG loan agreement requires formal approval by the Housing and Community Development Committee and the City of Asheville; and

WHEREAS, in March 16 2021, the Housing and Community Development Committee approved the request by MHO; and

WHEREAS, the actions described above would help maintain the financial condition of the property and ensure the maintenance of affordable housing units in the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Loan Modification requested by MHO to modify the existing City CARROT/CDBG loans for the above properties by extending the loan period for an additional 20 years, eliminating interest payments and raising rent restrictions to 60% AMI is hereby approved and the City Manager of the City of

Asheville is hereby authorized to negotiate and execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 13th day of April, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-73

RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTEE

WHEREAS, the terms of Amy Kemp (CPA seat) and Gail Miller, as members on the Audit Committee, expire on May 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Amy Kemp is hereby reappointed as the Certified Public Accountant on the Audit Committee, to serve an additional three-year term, term to expire May 1, 2024, or until Amy Kemp's successor has been appointed.

Andrew Emory is hereby appointed as a member of the Audit Committee, to serve a three-year term, term to expire May 1, 2024, or until Andrew Emory's successor has been appointed.

Read, approved and adopted this 13th day of April , 2021.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 21- 74

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, due to a discrepancy between the Unified Development Ordinance and Session Laws, City Council needs to appoint another Alternate seat;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Wendy Tabb be hereby appointed as an Alternate Member of the Board of Adjustment, to serve a three-year term, term to expire January 21, 2024, or until Wendy Tabb's successor has been appointed.

Read, approved and adopted this 13th day of April, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

City Clerk

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-75

RESOLUTION APPOINTING MEMBERS TO THE MOUNTAIN COMMUNITY CAPITAL FUND OPERATING COMMITTEE

WHEREAS, the terms of Dee Williams and Lynn Smith, as members on the Mountain Community Capital Fund Operating Committee, expired on April 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Dee Williams is hereby reappointed as a member of the Mountain Community Capital Fund Operating Committee, to serve an additional two-term, term to expire April 1, 2023, or until Dee Williams' successor has been appointed.

Lynn Smith is hereby reappointed as a member of the Mountain Community Capital Fund Operating Committee, to serve an additional two-term, term to expire April 1, 2023, or until Lynn Smith's successor has been appointed.

Read, approved and adopted this 13th day of April , 2021.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

180

RESOLUTION NO. 21-76

RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, Valeria Watson has resigned from the Public Art & Cultural Commission, thus leaving an unexpired term until June 30, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Shirley Whitesides is hereby appointed as a member of the Public Art & Cultural Commission, to serve the unexpired term of Valeria Watson, term to expire June 30, 2023, or until Shirley Whitesides' successor has been appointed.

Read, approved and adopted this 13th day of April , 2021.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-77

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER CONTRACTS WITH CIGNA HEALTH AND LIFE INSURANCE AND EXPRESS SCRIPTS, INC. FOR EMPLOYEE HEALTH INSURANCE COVERAGE ADMINISTRATIVE SERVICES

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City is committed to providing employees and their dependents access to health insurance coverage including medical and pharmacy insurance; and

WHEREAS, City staff recommends contracting with Cigna Health and Life Insurance Company to provide administrative services in the delivery of the City's employee medical insurance coverage and with Express Scripts, Inc. for the provision of pharmacy coverage; and

WHEREAS, City staff recommends contracting with these new vendors for administrative services in the continuation of health insurance coverage; and

WHEREAS, City staff recommends the execution of contracts with an initial term of three (3) years with up to two (2) one-year extensions to said contract upon mutual approval of the parties; and

WHEREAS, the contract effective date shall be July 1, 2021; and

WHEREAS, the monies for the contracts have been budgeted in the Health Care Fund budget at the same rate as the current contracted amount;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to (1) enter into a contract on behalf of the City of Asheville with Cigna Health and Life Insurance Company to provide health insurance coverage and with Express Scripts, Inc. for provision of pharmacy insurance coverage to eligible employees and their dependents; (2) execute said contracts for administrative services obligating the City to pay $960,000 annually for three years and for up to two one-year extensions and, (3) execute any necessary change orders to said contracts.

Read, approved and adopted this the 27th day of April, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

182

RESOLUTION NO. 21-78

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PATTON CONSTRUCTION GROUP OF ASHEVILLE, NORTH CAROLINA, FOR THE CONSTRUCTION OF THE FULTON STREET SIDEWALK PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Overlook Road sidewalk project, City of Asheville Project #X-1810; and

WHEREAS, Patton Construction Group of Asheville North Carolina was the lowest responsible bidder for the project; and

WHEREAS, the Patton Construction Group of Asheville North Carolina shall provide all labor, materials, and equipment for the project; and

WHEREAS, the amount of the bid is $265,320.00 and funding for the project is allocated within the Transportation Bond project Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Patton Construction Group of Asheville North Carolina in the amount of $265,320 for the Overlook Road sidewalk project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $26,532.

Read, approved, and adopted this the 27th day of April 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-79

RESOLUTION AUTHORIZING THE PROCUREMENT OF MAINTENANCE, REPAIR, PARTS, AND UPGRADES FOR THE ACCUBRINE SYSTEM FROM CARGILL SALT - ROAD SAFETY INC. UNTIL THE SYSTEM'S END OF LIFE

WHEREAS, NCGS § 143-129 details procedures for the letting of public contracts; and

WHEREAS, NCGS § 143-129 (e) provides for exceptions to the requirement to request formal bids for procurement contracts; and

WHEREAS, item (6) of NCGS § 143-129 (e) states that the governing body of a political subdivision of the State shall approve the purchase of apparatus, supplies, materials or equipment without formal bidding when: "(iii) standardization or compatibility is the overriding consideration"; and

WHEREAS, maintenance, repair, and upgrades to the AccuBrine system must use Cargill parts and all upgrade designs and be standardized with the current brining system from Cargill Salt - Road Safety Inc., thus meeting the "standardization" exception.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby authorizes the procurement of maintenance, repair, parts, and upgrades for the AccuBrine system as permitted under NCGS § 143-129 (e)(6) from standardized vendor Cargill Inc., until the system's end of life.

Read, approved, and adopted this the 27th day of April 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21 - 80

RESOLUTION SUPPORTING SOLE SOURCE PROCUREMENT TO PURCHASE SAFETY PROTECTION BARRIERS FROM PROTERRA AFTERMARKET PARTS FOR INSTALLATION IN FIVE (5) EXISTING PROTERRA ELECTRIC BUSES IN THE ASHEVILLE RIDES TRANSIT FLEET.

WHEREAS, pursuant to N.C.G.S. §160A-17.1, the City is authorized to make contracts for and accept grants and loans form the federal and state governments and their agencies; and

WHEREAS, the Federal Transit Administration (FTA) has announced Notice for Supplemental FY 2020 5307 under the Coronavirus Aid, Relief, and Economic Security (CARES) Act for funding transit operations and capital projects that help transit systems to prevent, prepare for, and respond to COVID-19; and

WHEREAS, the City of Asheville has identified projects that would be eligible for this funding program that would fund related transit capital projects activities responding to COVID-19; and

WHEREAS, the City of Asheville has received quotes from Proterra Aftermarket Parts for safety protection barriers for installation in five (5) existing Proterra electric transit buses and requests approval of procuring the safety protection barriers using a sole source procurement to comply with all applicable Federal and State procurement requirements; and

WHEREAS, the use of sole-source procurement is permitted in this instance pursuant to N.C.G.S. 143-129(e)(g)(iii) as equipment compatibility is an overriding concern; and

WHEREAS, the FTA will reimburse grant applicants for up to 100 percent ot transit operations and capital cost of projects implemented with CARES Act funds; and

WHEREAS, the FTA has indicated that no local match would be needed for projects related to COVID-19;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A sole source justification for safety protection barriers from Proterra Aftermarket Parts for installation in five (5) existing Proterra electric buses in the Asheville Rides Transit (ART) fleet is approved and the Purchasing Manager is authorized to issue appropriate purchase orders.

Read, approved and adopted this 27th day of April, 2021.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-81

RESOLUTION AUTHORIZING A SOLE SOURCE JUSTIFICATION FOR THE PURCHASE OF REPLACEMENT LED STREET LIGHT FIXTURES FROM LEOTEK ELECTRONICS AND AUTHORIZING THE PURCHASING MANAGER TO ISSUE APPROPRIATE PURCHASE ORDERS

WHEREAS, N.C.G.S. § 143-129 sets forth the requirements for the letting of public contracts including purchases of apparatus, supplies, materials, or equipment; and

WHEREAS, N.C.G.S. § 143-129(e) sets forth exceptions to the requirements of the subject general statute when a needed product is available from only one source of supply; and,

WHEREAS, the City of Asheville is required to purchase customer-owned replacement LED street light fixtures from company-approved vendors per the agreement between the City and Duke Energy; and

WHEREAS, due to the advancement of LED technology over the past several years, Leotek Electronics is the only company-approved vendor that can supply the required replacement LED street light fixtures per the agreement between the City and Duke Energy;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A sole source justification for the purchase of replacement LED street light fixtures from Leotek Electronics is approved and the Purchasing Manager is authorized to issue appropriate purchase orders.

Read, approved and adopted this the 27th day of April, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 21-82

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE HARPER CORPORATION FOR CONSTRUCTION SERVICES ASSOCIATED WITH MILLS RIVER WATER TREATMENT PLANT - OZONE BUILDING REHABILITATION

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, The Harper Corporation is currently under contract for the Mills River Water Treatment Plant Miscellaneous Plant Improvements Phase 1; for the additional work involved with the Ozone Building Rehabilitation due to flooding; and

WHEREAS, the funding for the change order is allocated within the Water Resources - Capital Improvement Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order to the existing contract with The Harper Corporation for the Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements, an amount of $1,475,624.78 with a contingency of $147,562.48 for a total change order cost of $1,623,187.26. Total project bid cost is $3,392.624.78; with contingency the total project cost should not to exceed $3,836,737.26.

Read, approved, and adopted this 27th day of April 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-83

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FRENCH BROAD PAVING FOR THE CAROLINA LANE – LANGREN ALLEY ASPHALT RESURFACING PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Carolina Lane – Langren Alley Asphalt Resurfacing project; and

WHEREAS, French Broad Paving of Marshall, NC was the lowest responsive responsible bidder for the project; and

WHEREAS, French Broad Paving shall provide all labor, materials, and equipment for the resurfacing of Carolina Lane and Langren Alley; and

WHEREAS, the amount of the bid is $183,857.50, and funding for the project is from funds saved on previous bond resurfacing projects;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with French Broad Paving in the amount of $183,857.50 for the Carolina Lane – Langren Alley Resurfacing contract; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $27.578.62 (15%).

Read, approved, and adopted this the 27th day of April 2021.

Magdalen Bowleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-84

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE DEPARTMENT OF VETERANS AFFAIRS TO PROVIDE TEMPORARY SPACE FOR PERSONNEL AND APPARATUS DURING REPAIR WORK TO FIRE STATION 8.

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 160A-17.1 to make contracts for and to accept grants-in-aid and loans from the federal and State governments and their agencies for constructing, expanding, maintaining, and operating any project or facility, or performing any function, which such city or county may be authorized by general law or local act to provide or perform.enter; and

WHEREAS, the bay floors of Fire Station 8 are in need of repair and resurfacing, which will force displacement of Asheville Fire Department personnel and apparatus; and

WHEREAS,the Department of Veterans Affairs has offered to provide temporary space during the duration of the fire station's renovation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with the Department of Veterans Affairs to provide temporary space for the Asheville Fire Department during the repair of Fire Station 8's bay floors.

Read, approved and adopted this the 27th day of April, 2021.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

City Clerk

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21- 85

RESOLUTION TO RATIFY A CONTRACT WITH THE RAMADA INN (DBA FIVE P MOUNTAIN, LLC) FOR A NON-CONGREGATE EMERGENCY SHELTER FOR PEOPLE EXPERIENCING HOMELESSNESS

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the Ramada Inn (DBA Five P Mountain, LLC) has agreed to provide 42 motel rooms at 148 River Ford Parkway to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness at a cost not to exceed $381,000 for a total period of up to 90 days; and

WHEREAS, on April 19, 2021 the City Manager executed a Memorandum of Understanding with the Ramada Inn for this purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby ratifies the City Manager's execution of an agreement with Ramada Inn (DBA Five P Mountain, LLC) for the provision of 42 rooms for this purpose and authorizes the City Manager to execute any documents necessary to give effect to this resolution.

Read, approved, and adopted this 27th day of April, 2021.

Magdalen Bullerson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bullerson
City Clerk

RESOLUTION NO. 21- 86

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE BUNCOMBE UNITED FOR YOUTH NETWORK

WHEREAS, the City of Asheville has authority pursuant to Chapter 160A-20.1 of the North Carolina General Statutes to enter into agreements in order to carry out a public purpose; and

WHEREAS, pursuant to Chapter 160A-461 of the North Carolina General Statutes, any unit of local government and any one or more other units of local government may enter into contracts or agreements with each other in order to execute any undertaking; and

WHEREAS, the City of Asheville desires to partner with the United for Youth Network to actively identify and remove barriers to opportunity and co-create solutions that support student success; and

WHEREAS, the proposed partnership agreement endeavors to help Asheville City and Buncombe County students graduate from high school ready and fully prepared to pursue their goals and dreams;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement on behalf of the City of Asheville with Asheville Buncombe United for Youth Network, other organizations, and other local governments, and to perform any requirements in said agreement or documents, which may arise during performance of said partnership.

Read, approved and adopted this 27th day of April, 2021.

Magdalen Bowerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 21-87

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASTROTURF CORPORATION FOR THE MEMORIAL STADIUM TURF AND DRAINAGE REPLACEMENT PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Memorial Stadium Turf and Drainage Replacement Project, City of Asheville Project X1902; and

WHEREAS, the AstroTurf Corporation of Dalton, GA, was the lowest responsible bidder for the project; and

WHEREAS, the AstroTurf Corporation shall provide all labor, materials, and equipment for the replacement of the turf, drainage and stormwater system, excluding the turf material, and

WHEREAS, the amount of the bid is $908,700, and funding for the project is allocated within the GO Bond Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with AstroTurf Corporation in the amount of $908,700, for the Memorial Stadium Turf and Drainage Replacement Project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $136,305 (15%).

Read, approved, and adopted this the 11th day of May 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21- 88

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TARHEEL PAVING AND ASPHALT, INC. FOR THE PROJECT KNOWN AS FISCAL YEAR 2021 ASPHALT RESURFACING

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Fiscal Year 2021 Asphalt Resurfacing contract; and

WHEREAS, Tarheel Paving and Asphalt, Inc. of Hendersonville, NC was the lowest responsible bidder for the project; and

WHEREAS, the Tarheel Paving and Asphalt, Inc. shall provide all labor, materials, and equipment for the performing the required work;

WHEREAS, the amount of the bid is $1,534,663.86, and funding for the project is allocated within the FY 2021 Streets Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Tarheel Paving and Asphalt, Inc. in the amount of $1,534,663.86 for the Fiscal Year 2021 Asphalt Resurfacing; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $230,199.58 (15%).

Read, approved, and adopted this the 11th day of May 2021.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 21-89

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S ANNUAL ACTION PLAN FOR 2021-2022 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED ANNUAL ACTION PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is the Lead Entity on behalf of the Asheville Regional Housing Consortium (ARHC) for the federal Home Investment Partnerships Program (HOME); and

WHEREAS, each year, the City must submit to the U.S. Department of Housing and Urban Development (HUD) an Annual Action Plan detailing its proposed use of CDBG and HOME funds for the upcoming fiscal year; and

WHEREAS, a public hearing has been held on April 27, 2021, to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the submission to HUD of the Annual Action Plan for 2021-22 which is attached hereto as Exhibit A.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the implementation of the Consolidated Annual Action Plan.

Read, approved and adopted this 11th day of May, 2021.

Magdalen Bourleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

SUMMARY OF ANNUAL ACTION PLAN FOR 2021-2022 (Exhibit A)

CDBG PROGRAM

Projected Revenue:

Estimated Program Income	$100,000
New CDBG Entitlement Grant	$1,037,995
Total CDBG Funds Available:	**$1,137,995**

Proposed Use of Funds:

2021-2022 PROGRAM	Funding Recommendations
Asheville-Buncombe Community Land Trust -Permanently Affordable Housing Services	$39,184
Asheville Area Habitat for Humanity - Affordable Home Repairs for Low Income	$128,000
Caring for Children, Inc. - Trinity Place Runaway and Homeless Youth Shelter	$15,000
Carolina Small Business Development - Western Women's Business Center (WWBC)	$100,000
Eagle Market Streets Development - EMSDC Incubate to Innovate	$25,000
Eliada Homes, Inc. - Eliada Homeless Services	$22,272
Getting Back to the Basics- Project Lighten Up After School Virtual Learning	$10,000
Haywood Street Congregation (HSC) -Haywood Street Respite (HSR)	$15,000
Helpmate, Inc. - Emergency Shelter for Domestic Violence Survivors	$17,500
Helpmate, Inc. - Housing Case Management for Domestic Violence	$49,241
Homeward Bound of WNC - AHOPE Coordinated Entry	$33,199
Homeward Bound of WNC - Acquisition - Permanent Supportive Housing	$100,000
Homeward Bound of WNC - Housing Services - Permanent Supportive Housing	$81,000
Mountain BizWorks - Opportunity Asheville: Expanding Access to Small Business	$100,000
Mountain Housing Opportunities, Inc. - Emergency Home Repair	$95,000
OnTrack Financial Education & Counseling - Housing & Financial Capabilities Program	$15,000
Partners Unlimited, Inc. - Academic Enhancement Program	$10,000
Pisgah Legal Services - Homeless Prevention Project	$20,000
SPARC Foundation,Inc. - Changing Together Program	$20,000
YWCA of Asheville and WNC - Empowerment Child Care Program	$15,000
City of Asheville- CDBG Planning and Administration	$227,559
RECOMMENDED FUNDING	**$1,137,955**

HOME INVESTMENT PARTNERSHIP PROGRAM

Projected Revenue:

Estimated Program Income	$74,000
New HOME Entitlement Grant	$1,296,760
Total HOME Funds Available:	**$1,370,760**

Proposed Use of Funds:

2021-2022 PROGRAM	Funding Recommendations
Commonwealth Development - Fairhaven Summit	$100,000
Community Housing Coalition of Madison Co. - Rural Replacement Housing	$165,000
Eliada Homes, Inc. - Eliada Homeless Services	$20,208
Helpmate, Inc. - Rental Assistance for Domestic Violence	$50,000
Homeward Bound of WNC, - HOME Asheville - Tenant Based Rental Assistance	$80,000
Homeward Bound of WNC, - HOME Buncombe - Tenant Based Rental Assistance	$100,000
Housing Authority of the City of Asheville, - Tenant Based Rental Assistance Mobility	$75,000
SCG Development Partners, LLC. - Ovata at Ascension	$100,000
WDT Development ,LLC. - White Pines Villas	$100,000
Workforce Homestead, Inc. - Falling Waters	$402,862
City of Asheville - HOME Planning and Administration	$137,076
CHDO Reservation - CHDO Contingency	$40,614
RECOMMENDED FUNDING	**$1,370,760**

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RESOLUTION NO. 21-90

RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, on March 23, 2021, by Resolution No. 21-58, City Council revised the membership of the Affordable Housing Advisory Committee to include a Housing Authority staff member and a person with general housing experience; and

WHEREAS, Parker Smith (general housing experience) has resigned as a member of the Affordable Housing Advisory Committee, thus leaving an unexpired term until September 1, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Brandy Woodward is hereby appointed as a member of the Affordable Housing Advisory Committee as the Housing Authority staff member, to serve until September 1, 2021, and then a full three-year term, term to expire September 1, 2024, or until Brandy Woodward's successor has been appointed.

Chris Day is hereby appointed as a member of the Affordable Housing Advisory Committee to serve as the individual with general housing experience, to serve until September 1, 2021, and then a full three-year term, term to expire September 1, 2024, or until Chris Day's successor has been appointed.

ZaKiya Bell-Rogers is hereby appointed as a member of the Affordable Housing Advisory Committee (individual with general housing experience), to serve the unexpired term of Parker Smith, term to expire September 1, 2023 or until ZaKiya Bell-Rogers' successor has been appointed.

Read, approved and adopted this 11th day of May, 2021.

Magdalen Bulleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-91

RESOLUTION APPOINTING MEMBERS TO THE CIVIL SERVICE BOARD

WHEREAS, the terms of Carol Goins and Carter Webb as members of the Civil Service Board expire on May 11, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Carol Goins is hereby reappointed as a member of the Civil Service Board, to serve an additional two-year term, term to expire May 21, 2023, or until Carol Goin's successor has been appointed.

Carter Webb is hereby reappointed as a member of the Civil Service Board, to serve an additional two-year term, term to expire May 21, 2023, or until Carter Webb's successor has been appointed.

Read, approved and adopted this 11th day of May, 2021.

Magdalen Bullion
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

198

RESOLUTION NO. 21-92

RESOLUTION APPOINTING MEMBERS TO THE DESIGN REVIEW COMMITTEE

WHEREAS, on February 23, 2021, City Council adopted an ordinance regulating hotel development standards and part of that ordinance was the formation of a new Design Review Committee to review applicable hotel applications in the Central Business District or the River District; and

WHEREAS, the membership of said Committee will consist of four members of the current members of the Downtown Commission, four members of the current members of the Asheville Area Riverfront Development Commission, and one member who will be appointed by the other eight;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Robin Raines is hereby appointed as a member of the Design Review Committee (representative from the Downtown Commission) to serve a term to coincide with their term on the Downtown Commission, or until Robin Raines' successor has been appointed.

Steven Lee Johnson is hereby appointed as a member of the Design Review Committee (representative from the Downtown Commission) to serve a term to coincide with their term on the Downtown Commission, or until Steven Lee Johnson's successor has been appointed.

Kimberly Hunter is hereby appointed as a member of the Design Review Committee (representative from the Downtown Commission) to serve a term to coincide with their term on the Downtown Commission, or until Kimberly Hunter's successor has been appointed.

Bryan Moffitt is hereby appointed as a member of the Design Review Committee (representative from the Downtown Commission) to serve a term to coincide with their term on the Downtown Commission, or until Bryan Moffitt's successor has been appointed.

Jane Mathews is hereby appointed as a member of the Design Review Committee (representative from the Riverfront Redevelopment Commission) to serve a term to coincide with their term on the Riverfront Redevelopment Commission, or until Jane Mathews' successor has been appointed.

Jeremy Goldstein is hereby appointed as a member of the Design Review Committee (representative from the Riverfront Redevelopment Commission) to serve a term to coincide with their term on the Riverfront Redevelopment Commission, or until Jeremy Goldstein's successor has been appointed.

Ben Williamson is hereby appointed as a member of the Design Review Committee (representative from the Riverfront Redevelopment Commission) to serve a term to coincide with their term on the Riverfront Redevelopment Commission, or until Ben Williamson's successor has been appointed.

Read, approved and adopted the 11th day of May, 2021.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-93

RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

WHEREAS, the terms of Tanya Rodriguez, Anne Greene, Veronica Coit, DeLores Venable and Raynette Waters expire on June 1, 2021; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Tanya Rodriguez is hereby reappointed as a member of the Human Relations Commission, to serve an additional two-year term, term to expire June 1, 2023, or until Tanya Rodriguez' successor has been appointed.

Emma Worthy is hereby appointed as a member of the Human Relations Commission, to serve a two-year term, term to expire June 1, 2023, or until Emma Worthy's successor has been appointed.

Veronica Coit is hereby reappointed as a member of the Human Relations Commission, to serve a two-year term, term to expire June 1, 2023, or until Veronica Coit's successor has been appointed.

DeLores Venable is hereby reappointed as a member of the Human Relations Commission, to serve an additional two-year term, term to expire June 1, 2023, or until DeLores Venable's successor has been appointed.

Read, approved and adopted this 11th day of May, 2021.

Magdalen Bruleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bruleson
City Clerk

200

RESOLUTION NO. 21-94

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH CURBSIDE MANAGEMENT INC. TO PROVIDE RECYCLING COLLECTION AND PROCESSING SERVICES FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville entered into a 10-year contract with Curbside Management on September 29th, 2011;

WHEREAS, the contract between the City and Curbside Management, Inc. authorizes amendments, supplements, or modifications to the contract; and

WHEREAS, the contract aligns with City Council 2036 Vision of a Clean and Healthy Environment; and

WHEREAS, the amendment to this contract includes, but is not limited to: service rate increase; definition modifications; and term agreement changes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend a contract with Curbside Management, Inc., to provide recycling collection and processing services for the City of Asheville.

Read, approved, and adopted this the 25th day of May 2021.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-95

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BROOKS NETWORK SERVICES, LLC.

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. sec 160A-20 to enter into contracts with private entities to perform any authorized functions; and

WHEREAS, the City issued a request for proposals for the replacement, purchase and installation of Network Video Recorded equipment, camera system, located at the Asheville Police Department. The City received three responses with Brooks Network Services, LLC being the lowest responsive responsible bidder; and

WHEREAS, the City will contract with Brooks Network Services, LLC for the purchase and installation of cameras at the Asheville Police Department;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter a contract with Brooks Network Services, LLC for the purchase, replacement and installation of cameras at the Asheville Police Department for $99,975.27 which includes equipment, installation, and 5-Year Term Licenses for the cameras.

Read, approved, and adopted this the 25th day of May 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

202

RESOLUTION NO. 21- 96

RESOLUTION TO RATIFY THE EXECUTION OF A SERIES OF CONTRACTS AND / OR CONTRACT AMENDMENTS TO SUPPORT NON-CONGREGATE EMERGENCY SHELTER AT LOCAL HOTELS FOR PEOPLE EXPERIENCING HOMELESSNESS

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the Five P Mountain, LLC has agreed to provide motel rooms to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness at a cost not to exceed $381,000; and

WHEREAS, the Bhuna Corporation has agreed to provide motel rooms to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness at a cost not to exceed $92,806; and

WHEREAS, the ATL Hospitality, LLC has agreed to provide motel rooms to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness at a cost not to exceed $107,200; and

WHEREAS, Sunrise Community for Wellness and Recovery has agreed to provide supportive services to persons experiencing homelessness for this initiative at a cost not to exceed $107,628; and

WHEREAS, Axis Security, Inc. has agreed to provide onsite security for this initiative at a cost not to exceed $51,000; and

WHEREAS, Pursuant to the Asheville City Council Rules of Procedure, the City Council is authorized to ratify agreements previously executed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby ratifies the execution by the City Manager of the agreements, change orders and contract amendments with the entities listed above for this purpose within the adopted budget ordinance for this initiative and authorizes the City Manager to execute any documents necessary to give effect to this resolution.

Read, approved, and adopted this 25th day of May, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-97

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A TRAFFIC REVIEW AND INSPECTION AGREEMENT WITH THE N.C. DEPARTMENT OF TRANSPORTATION FOR THE NCDOT TO PERFORM DESIGN REVIEW AND INSPECTION FOR THE ADDITION OF FIRE PREEMPTION EQUIPMENT AT AN EXISTING SIGNALIZED INTERSECTION FOR FIRE STATION #13

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 160A-296 to maintain and control those areas of sidewalks within its jurisdiction that are not owned by the N.C. Department of Transportation (NCDOT); and

WHEREAS, the City has plans to construct a new fire station (#13) at 316 Broadway Street; and

WHEREAS, the NCDOT and the City of Asheville agree that fire preemption phasing is needed at an existing signalized intersection to enhance safe and efficient egress movements during emergencies; and

WHEREAS, the City has prepared the appropriate designs to add fire preemption phasing and will be furnishing and installing the appropriate equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a traffic review and inspection agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of fire preemption equipment for Fire Station #13 at the existing signalized intersection of SR 1781 (Broadway Street) and Chestnut Street / Mt. Clare Avenue and to submit payment to the NCDOT in the amount of $7,500 upon partial execution of the agreement by the City.

Read, approved and adopted this the 25th day of May, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-98

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP FOR AUDITING CITY ACCOUNTS FOR FISCAL YEAR 2020-2021

WHEREAS, the City is required to have its accounts audited at the close of each fiscal year by a certified public accountant or by an accountant certified by the Commission as qualified to audit local government accounts pursuant to N.C.G.S 159-34; and

WHEREAS, the City has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts; and

WHEREAS, PBMares, LLP has submitted an engagement letter and contract pursuant to *Generally Accepted Government Auditing Standards* and the requirements of the Commission to provide audit services to the City Council for the fiscal year 2020-2021; and

WHEREAS, the City Council desires that the City's fiscal year 2020-2021 audit service contract be awarded to the firm PBMares, LLP; and

WHEREAS, funds are included in the Internal Audit division's budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to execute a contract, the form of which shall be approved by the Local Government Commission, with PBMares, LLP in the amount no greater than $125,640 for auditing services for fiscal year 2020-2021.

Read, approved, and adopted this 25th day of May, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-99

RESOLUTION APPROVING THE RESCISSION OF THE HOUSING TRUST FUND LOAN PREVIOUSLY AWARDED TO THE JUNA GROUP AND THE REALLOCATION OF THESE TO THE HOUSING TRUST FUND BALANCE

WHEREAS, on September 22, 2020, Resolution #20-169, the City of Asheville awarded a Housing Trust Fund Award to the Juna Group Inc. in the amount of $1,100,000, to be secured by a promissory note and deed of trust, for the development of eleven (11) affordable homes at Alice Clement Lane; and

WHEREAS, the Juna Group has informed the Community Development Department that due to increased costs for building materials and labor, the homes can no longer be built and sold in accordance with the Housing Trust Fund guidelines and therefore, requests a return of the HTF aware; and

WHEREAS, $1,100,000 will be returned to the Housing Trust Fund balance;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Housing Trust Fund Award of $1,100,000 made to the Juna Group, Inc. is hereby rescinded and these funds shall be reallocated to the Housing Trust Fund balance.

Read, approved and adopted this 25th day of May, 2021.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

206

RESOLUTION NO. 21-100

RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY AT 50 ASHELAND AVENUE FOR THE PURPOSES OF ADVANCING RACIAL AND SOCIOECONOMIC EQUITY WITHIN OUR COMMUNITY THROUGH EXPANDING HOUSING AND TRANSIT OPTIONS BY ALLOWING FOR AN EXPANDED TRANSIT CENTER AND AFFORDABLE HOUSING AND RATIFYING THE CITY MANAGER'S EXECUTION OF A GRANT AGREEMENT FUNDING WITH THE DOGWOOD HEALTH TRUST FOR THIS PURCHASE

WHEREAS, pursuant to N.C.G.S. § 160A - 240.1 a city is authorized to acquire property by purchase or any other lawful means and to acquire funds by grant and other methods; and

WHEREAS, the City is under contract to purchase real property located at 50 Ashland Avenue, identified as PIN # 9648-39-0570, which includes a +/- 38,333 square foot parking lot, for the purchase price of $2.5M; and

WHEREAS, in acknowledgement of the parcel being within the former boundary historically identified as "red-lined" by the Home Owners' Loan Corporation (HOLC), wherein access to capital was denied on the basis of race, thereby limiting the housing and economic opportunity afforded to people of color; and

WHEREAS, the purposes of the property acquisition is (1) to plan, design, and construct a new and/or expanded downtown transit center for the City's Asheville Rides Transit (ART) system in conjunction with (2) a larger mixed-use development to include affordable housing and (3) to advance racial equity in developing the property, constructing the improvements and defining uses (such as potential partnerships with community land trust(s), community space, a "Purpose Built Community" type structure around intention, etc);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to proceed with the purchase of the property at 50 Asheland Ave the purposes of advancing racial and socioeconomic equity within our community through expanding housing and transit options by allowing for an expanded transit center and affordable housing and to execute a grant funding agreement with the Dogwood Health Trust in the amount of $1,250,000 for the purchase of this property. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of May, 2021.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21-101

RESOLUTION ADOPTING THE BUNCOMBE MADISON REGIONAL HAZARD MITIGATION PLAN

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 166A-19.15(f)(2) to direct and coordinate the development of emergency management plans and programs in accordance with policies and standards set by the The Division of Emergency Management, consistent with federal and State laws and regulations; and

WHEREAS, the City is vulnerable to an array of hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the City desires to seek ways to mitigate situations that may aggravate such circumstances; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the City of Asheville to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the City to fulfill its obligation under North Carolina General Statutes, Chapter 166A: North Carolina Emergency Management Act and Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the City of Asheville; and

WHEREAS, the City of Asheville, in coordination with Buncombe and Madison Counties and the participating municipalities within those Counties has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials;

WHEREAS, the North Carolina Emergency Management and the Federal Emergency Management Agency have reviewed the Buncombe Madison Regional Hazard Mitigation Plan for legislative compliance and has approved the plan pending the completion of local adoption procedures;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby adopts the Buncombe Madison Regional Hazard Mitigation Plan dated April, 2021 as a replacement for the Buncombe Madison Regional Hazard Mitigation Plan adopted in 2016.

Read, approved and adopted this the 8th day of June, 2021.

Magdalen Bulteson
City Clerk

Esme E. Mahan
Mayor

Approved as to form:

City Attorney

Magdalen Bulteson
City Clerk

RESOLUTION NO. 21-102

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS 2021 GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the federal government, and to enter into contracts for the administration of said grants; and

WHEREAS, the Executive Office of the President, Office of National Drug Control Policy, has preliminarily determined that the City of Asheville is eligible to receive a grant of $275,416.00 to act as fiduciary for the Asheville High Intensity Drug Trafficking Areas (HIDTA) program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the Executive Office of the President, Office of National Drug Control Policy, for a grant in the amount of $275,416, to act as fiduciary for the Asheville HIDTA.

Read, approved and adopted this the 8th day of June, 2021.

Magdalen Bowlerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 21-103

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AECOM TO UPDATE THE SUSTAINABILITY MANAGEMENT PLAN INTO A MUNICIPAL CLIMATE ACTION PLAN

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, per City Council Resolution No. 18-279, the City established a goal to transition to 100% renewable energy from fossil fuel energy by December 31, 2030; and

WHEREAS, Asheville City Council adopted Resolution No. 20-25, declaring a climate emergency; and

WHEREAS, the City's 2009 Sustainability Management Plan needs to be revised in order to incorporate the goals of the aforementioned Resolutions; and

WHEREAS, the City issued an RFP for updating the Sustainability Management Plan into a Municipal Climate Action Plan on April 5, 2021 and AECOM was selected through a competitive process as the most qualified firm to update the Sustainability Management Plan; and

WHEREAS, the contract aligns with City Council 2036 Vision of a Clean and Healthy Environment; and

WHEREAS, the contract will update work identified in Council's Strategic Priorities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with AECOM in the amount of $95,000 to update the City's Sustainability Management Plan into a Municipal Climate Action Plan.

Read, approved, and adopted this the 8th day of June 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-104

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICES CONTRACT WITH FUSIONSITE ASHEVILLE, LLC DBA GRIFFIN WASTE SERVICES FOR PORTABLE TOILET AND HAND WASHING STATION RENTAL AND MAINTENANCE

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville requires portable restrooms and handwashing stations for public use as an emergency health response during the COVID-19 pandemic; and

WHEREAS, Griffin Waste Services was the only responsive vendor to carry out the required scope of work; and

WHEREAS, Griffin Waste Services shall provide all labor, materials, and supplies for the scope of work under a new contract; and

WHEREAS, the amount estimated to continue funding the scope of work from July 2021 through December 2021 is $90,000, and the funds for the contract are coming from the American Rescue Plan Act (ARPA)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager's execution of a contract with Griffin Waste Services in the amount of $90,000, for rental and maintenance of portable toilets and handwashing stations is hereby ratified.

Read, approved and adopted this the 8th day of June 2021.

Magdalen Bowerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 21- 105

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE HOLA ASHEVILLE CELEBRATION ON THE DATE OF JUNE 19, 2020 FROM 11:00 AM - 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Hola Asheville Celebration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Hola Asheville Celebration event area, as set forth in Exhibit A, attached.

   The Hola Asheville Celebration event area is within the boundaries of the Roger McGuire Green at Pack Square Park and Court Plaza.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Hola Asheville Celebration on Saturday, June 19, 2021, from 11:00 a.m. - 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Hola Asheville Celebration event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption

of malt beverages and/or unfortified wine shall be permitted in the Hola Asheville Celebration event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Hola Asheville Celebration, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

EXHIBIT A

Alcohol Area

214

RESOLUTION NO. 21- 106

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BREWS & BEARS ON THE DATES OF JULY 9, 2021 AND AUGUST 19, 2021 FROM 6:00 PM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Brews & Bears.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Brews & Bears event area, as set forth in Exhibit A, attached.

   The Brews & Bears event area is within the boundaries of the WNC Nature Center, located at 75 Gashes Creek Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Brews & Bears event on Fridays, July 9 and August 13, 2021, from 5:30 p.m. – 8:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Brews & Bears event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Brews & Bears event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Brews & Bears, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bouleson
City Clerk

Mayor

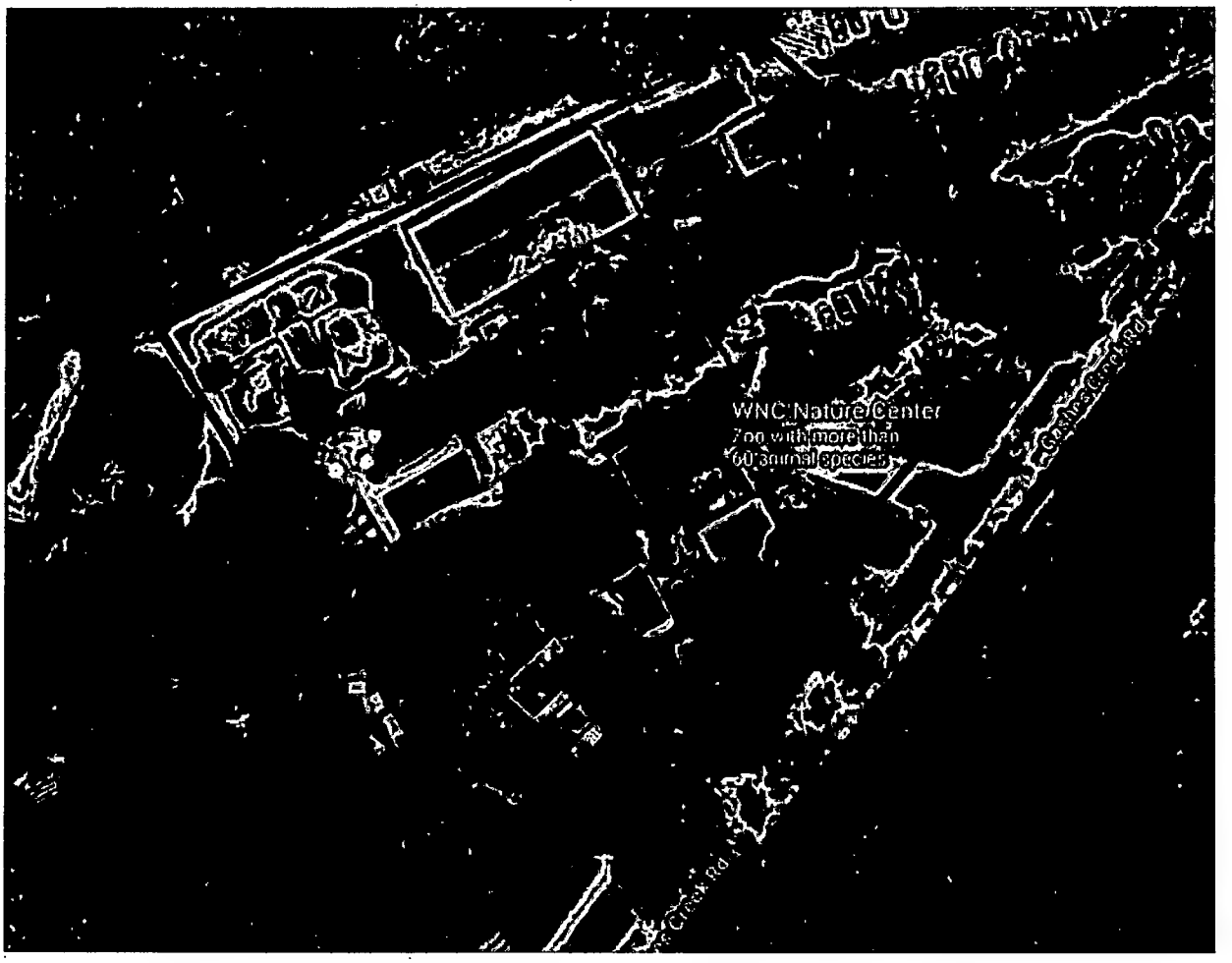
Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

216.

EXHIBIT A



Alcohol Area

RESOLUTION NO. 21- 107

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT DOWNTOWN AFTER 5 ON THE DATES OF JULY 16, AUGUST 20, SEPTEMBER 17, 2021, FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Downtown After 5.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Downtown After 5 event area, as set forth in Exhibit A, attached.

   The Downtown After 5 event area is within the boundaries of Lexington Avenue between the intersections of Hiawassee and the I-240 overpass.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Downtown After 5 on Fridays, July 16, August 20, and September 17, 2021, from 5:00 p.m. – 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Downtown After 5 event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Downtown After 5 event area,

or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Downtown After 5, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Burleson
City Clerk

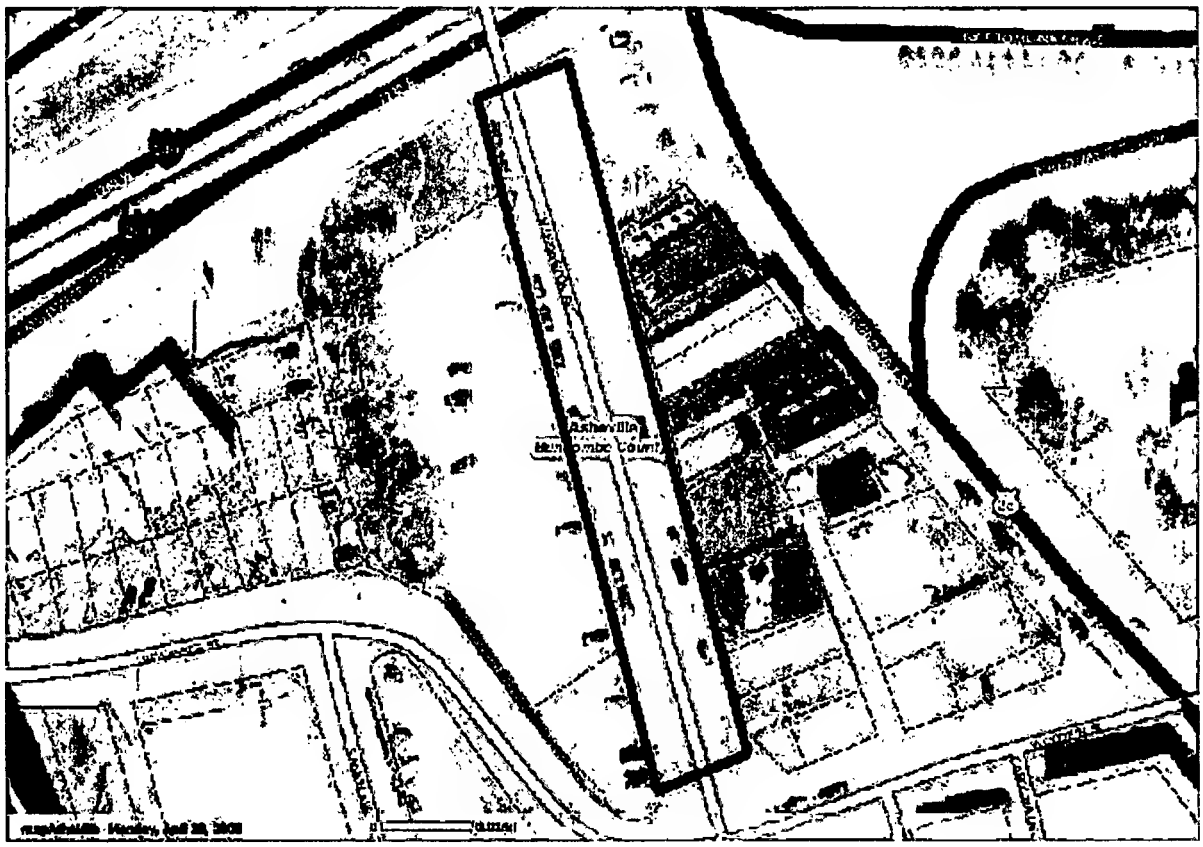
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Lexington Avenue (100 Block)

Alcohol Area

220

RESOLUTION NO. 21- 108

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL ON THE DATE OF SEPTEMBER 25, 2021, FROM 11:00 AM – 7:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Blue Ridge Pride Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Blue Ridge Pride Festival event area, as set forth in Exhibit A, attached.

   The Blue Ridge Pride Festival event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Pack Square Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Blue Ridge Pride Festival on Saturday, September 25, 2021, from 11:00 a.m. – 7:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is

not permitted anywhere in the Blue Ridge Pride Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Blue Ridge Pride Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Blue Ridge Pride Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bulleson
City Clerk

Esther G Manheimer
Mayor

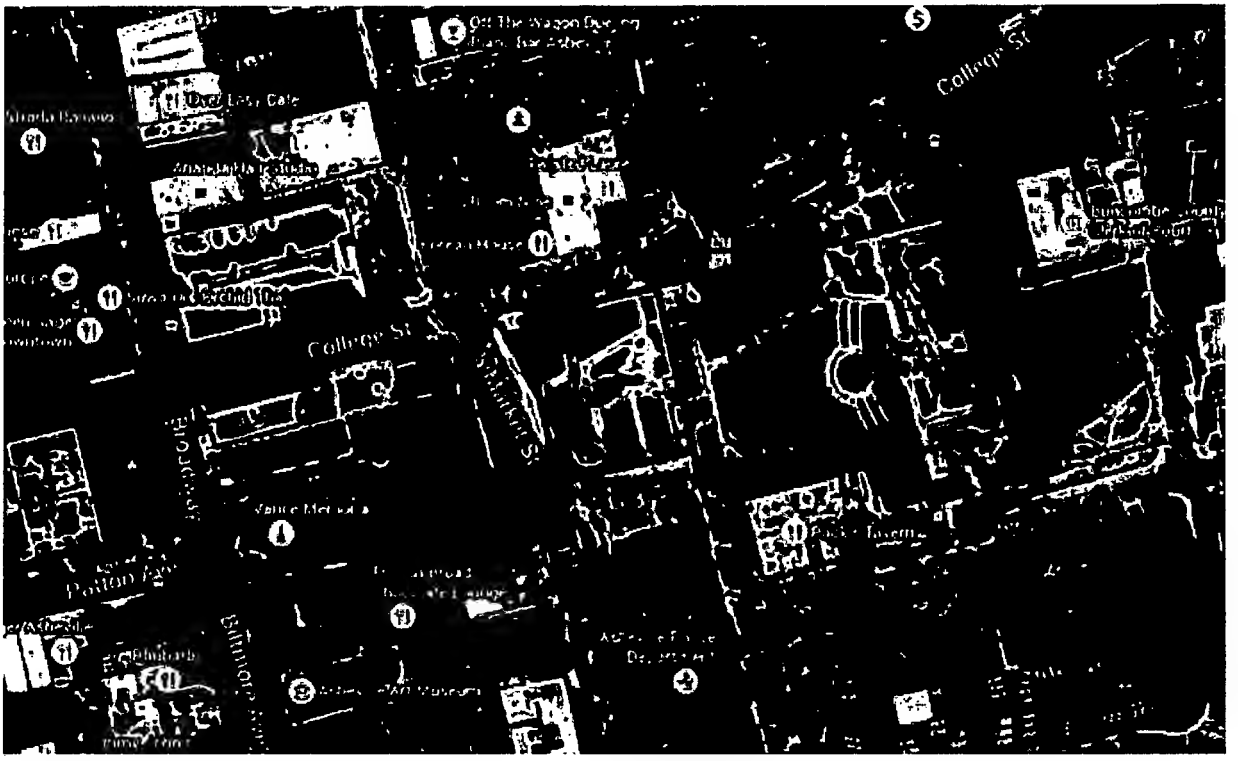
Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

222

EXHIBIT A



Alcohol Area

RESOLUTION NO. 21- 109

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE VEGANFEST ON THE DATE OF SUNDAY, OCTOBER 3, 2021, FROM 11:00 AM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival and Section 11-20 of the Asheville City Code permits the sale of malt beverages and unfortified wine on Sunday mornings beginning at 10:00 AM; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Asheville Veganfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Asheville Veganfest event area, as set forth in Exhibit A, attached.

   The Asheville Veganfest event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, Pack Square Median and streets of North and South Pack Square between Broadway and Market Street at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

4. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Asheville Veganfest on Sunday, October 3, 2021, from 11:00 a.m. – 6:00 p.m.

5. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Asheville Veganfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Asheville Veganfest event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

5. The location of the Asheville Veganfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Burleson
City Clerk

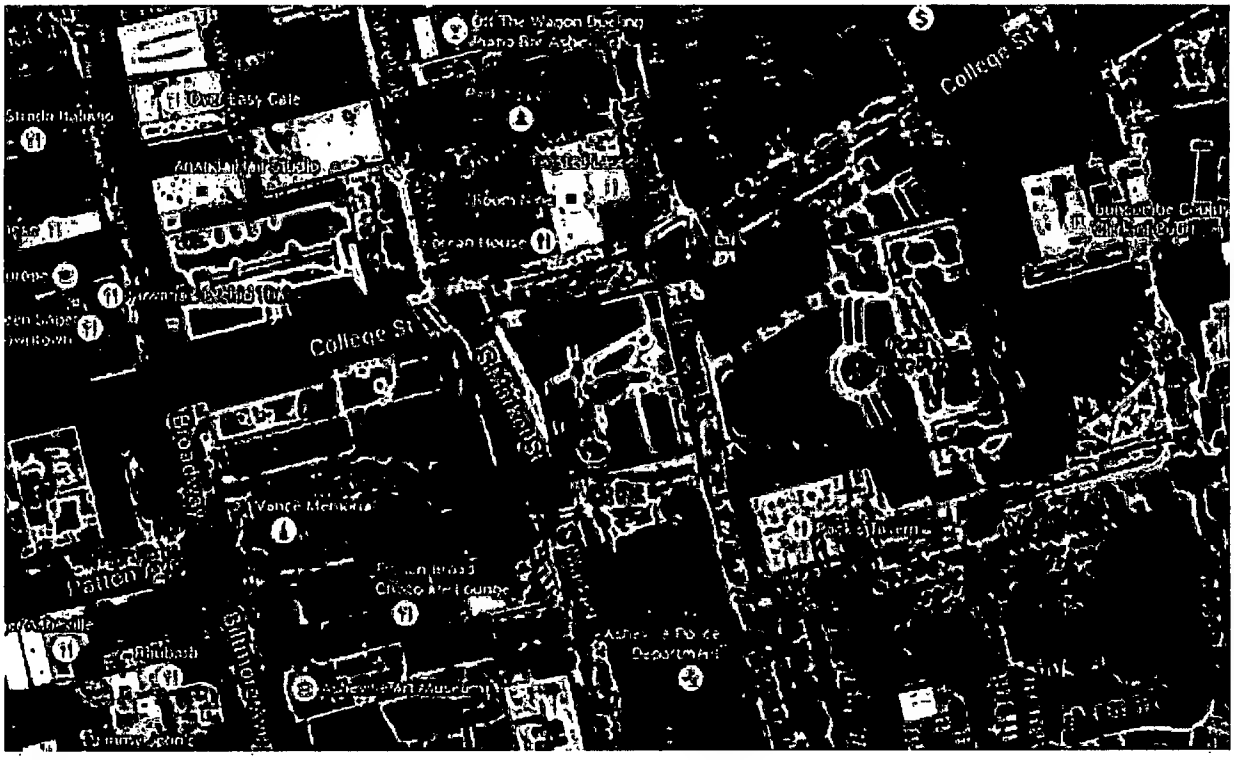
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Alcohol Area

226.

RESOLUTION NO. 21-110

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S UPDATED ANNUAL ACTION PLAN FOR 2021-2022 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED ANNUAL ACTION PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is the Lead Entity on behalf of the Asheville Regional Housing Consortium (ARHC) for the federal Home Investment Partnerships Program (HOME); and

WHEREAS, each year, the City must submit to the U.S. Department of Housing and Urban Development (HUD) an Annual Action Plan detailing its proposed use of CDBG and HOME funds for the upcoming fiscal year; and

WHEREAS, a Public Hearing was held for the City's Original FY21/22 Annual Action Plan on April 27, 2021, to obtain citizen input and comments on the draft plan, and the draft plan was made available to the public; and

WHEREAS, City Council approved the City's Original FY21/22 Annual Action Plan on May 11, 2021; and

WHEREAS, the Department of Housing and Urban Development (HUD) notified the City of Asheville on Friday, May 14, 2021, of an additional award amount of CDBG funding in the amount of $15,296; and

WHEREAS, this additional funding does not constitute a substantial amendment for the City's Citizen Participation Plan and the funding is recommended to be put in CDBG Contingency for future reallocation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the submission to HUD of the Updated Annual Action Plan for 2021-22 which is attached hereto as Exhibit A to include the additional CDBG funding highlighted.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the implementation of the Consolidated Annual Action Plan.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

SUMMARY OF ANNUAL ACTION PLAN FOR 2021-2022 (Exhibit A)

CDBG PROGRAM

Projected Revenue:

Estimated Program Income	$100,000
CDBG Entitlement Grant	$1,037,995
Additional CDBG Allocation	**$15,296**
Total CDBG Funds Available:	**$1,153,291**

Proposed Use of Funds:

2021-2022 PROGRAM	Funding Recommendations
Asheville-Buncombe Community Land Trust -Permanently Affordable Housing Services	$39,184
Asheville Area Habitat for Humanity - Affordable Home Repairs for Low Income	$128,000
Caring for Children, Inc. - Trinity Place Runaway and Homeless Youth Shelter	$15,000
Carolina Small Business Development - Western Women's Business Center (WWBC)	$100,000
Eagle Market Streets Development - EMSDC Incubate to Innovate	$25,000
Eliada Homes, Inc. - Eliada Homeless Services	$22,272
Getting Back to the Basics- Project Lighten Up After School Virtual Learning	$10,000
Haywood Street Congregation (HSC) -Haywood Street Respite (HSR)	$15,000
Helpmate, Inc. - Emergency Shelter for Domestic Violence Survivors	$17,500
Helpmate, Inc. - Housing Case Management for Domestic Violence	$49,241
Homeward Bound of WNC - AHOPE Coordinated Entry	$33,199
Homeward Bound of WNC - Acquisition - Permanent Supportive Housing	$100,000
Homeward Bound of WNC - Housing Services - Permanent Supportive Housing	$81,000
Mountain BizWorks - Opportunity Asheville: Expanding Access to Small Business	$100,000
Mountain Housing Opportunities, Inc. - Emergency Home Repair	$95,000
OnTrack Financial Education & Counseling - Housing & Financial Capabilities Program	$15,000
Partners Unlimited, Inc. - Academic Enhancement Program	$10,000
Pisgah Legal Services - Homeless Prevention Project	$20,000
SPARC Foundation,Inc. - Changing Together Program	$20,000
YWCA of Asheville and WNC - Empowerment Child Care Program	$15,000
City of Asheville- CDBG Planning and Administration	$227,559
CDBG Contingency	$15,296
RECOMMENDED FUNDING	**$1,153,291**

HOME INVESTMENT PARTNERSHIP PROGRAM

Projected Revenue:

Estimated Program Income	$74,000
New HOME Entitlement Grant	$1,296,760
Total HOME Funds Available:	**$1,370,760**

Proposed Use of Funds:

2021-2022 PROGRAM	Funding Recommendations
Commonwealth Development - Fairhaven Summit	$100,000
Community Housing Coalition of Madison Co. - Rural Replacement Housing	$165,000
Eliada Homes, Inc. - Eliada Homeless Services	$20,208
Helpmate, Inc. - Rental Assistance for Domestic Violence	$50,000
Homeward Bound of WNC, - HOME Asheville - Tenant Based Rental Assistance	$80,000
Homeward Bound of WNC, - HOME Buncombe - Tenant Based Rental Assistance	$100,000
Housing Authority of the City of Asheville, - Tenant Based Rental Assistance Mobility	$75,000
SCG Development Partners, LLC. - Ovata at Ascension	$100,000
WDT Development ,LLC. - White Pines Villas	$100,000
Workforce Homestead, Inc. - Falling Waters	$402,862
City of Asheville - HOME Planning and Administration	$137,076
CHDO Reservation - CHDO Contingency	$40,614
RECOMMENDED FUNDING	**$1,370,760**

RESOLUTION NO. 21-111

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY LOCATED AT 155 THOMPSON STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR JULY 27, 2021

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes, the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion of unopened right of way located at 155 Thompson Street; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby declares its intent to permanently close a portion unopened right-of-way located at 155 Thompson Street, described as:

   Permanent closure of the end of Thompson Street that was temporarily closed by Resolution 80-210 recorded in Deed Book 1259 page 180 (11-14-1980).

   That portion of Thompson Street lying within the City of Asheville temporary closing as shown in Resolution No. 80-210 recorded in Deed Book 1259 page 180 (11-14-1980) which fronts Lots 15 through 19 as shown on a plat of Koon Industrial Development recorded in Plat Book 10, page 47, Buncombe County Registry, and also being the Northwesternmost 267.37 feet thereof and more particularly described as beginning at a point in the eastern margin of Thompson Street and the southwest corner of said Lot 15; thence with the fronts of Lots 15 through 19 North 22°16'37" East 267.37 feet to a point in the northern margin of Lot 19; thence across the end of Thompson Street South 81°59'37" West 32.45 feet; thence South 36°59'37" West 41.56 feet to the western margin of Thompson Street; thence with the western margin of Thompson Street South 21°58'37" West 210.81 feet; thence leaving said margin and across Thompson Street South 67°43'23" East 37.48 feet to the point of beginning.

2. A public hearing on the question of permanently closing a right-of-way known as 155 Thompson Street is hereby called for on Tuesday, July 27, 2021, at the regular meeting of City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on July 27, 2021.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along a portion of unopened right-of-way located at 155 Thompson Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting

this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 8th day of June 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-112

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW MANAGEMENT AND TECHNICAL SUPPORT SERVICES CONTRACT BETWEEN THE CITY OF ASHEVILLE AND FLASHPARKING, INC. (DBA KLEVER LOGIC, INC.).

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville has purchased parking garage equipment via the National Cooperative Purchasing Alliance from Flashparking, Inc. DBA Klever Logic, Inc.; and

WHEREAS, the expected useful life of the parking garage equipment is five years; and

WHEREAS, Flashparking, Inc. DBA Klever Logic, Inc. is the one source of supply for management and technical support for the parking garage equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to enter into a five-year contract with Flashparking, Inc. d/b/a Klever Logic, Inc., and any contract amendments, with an effective date as soon as the installation of the new parking garage equipment is completed, the total contract value not to exceed $425,000.

Read, approved and adopted this the 8th day of June, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21- 113

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT AND ACCEPT GRANT FUNDING AWARDED TO THE CITY OF ASHEVILLE IN FY2020 FOR CONTINUUM OF CARE PLANNING ACTIVITIES AND HOMELESS MANAGEMENT INFORMATION SYSTEMS (HMIS) OPERATIONS.

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) awarded Continuum of Care (CoC) grants to project applicants in the FY2020 funding process that was amended to be non-competitive because of the COVID-19 pandemic; and

WHEREAS, the City of Asheville serves as the Lead Entity for the NC-501 Asheville-Buncombe Continuum of Care; and

WHEREAS, the statutory responsibilities of the CoC Lead include system-wide planning to end homelessness, regulatory compliance, and operations of the community's HOmeless Management Information System (HMIS);

WHEREAS, HUD has awarded a total of $1,817,250 in FY2020 to projects serving people experiencing homelessness in Asheville and Buncombe County; and

WHEREAS, of the total amount awarded by HUD for FY2020, a total of $110,516 has been awarded directly to the City of Asheville for system-wide planning and administration of the community's Homeless Management Information System (HMIS); and

WHEREAS, these awards are for $43,016 for Continuum of Care Planning Activities and $67,500 for administration of the community's HMIS;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to sign all necessary contract documents with the US Department of Housing and Urban Development for the FY2020 Continuum of Care awards made directly to the City of Asheville after approval by the City Attorney, and accept any funds awarded.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-114

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONTRACT WITH CDM SMITH FOR CONSTRUCTION OVERSIGHT SERVICES ASSOCIATED WITH MILLS RIVER WATER TREATMENT PLANT - OZONE BUILDING REHABILITATION

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, CDM Smith is currently under contract (#92100294) for construction oversight of the Mills River Water Treatment Plant Miscellaneous Plant Improvements Phase 1; this change order is for the additional work involved with the Ozone Building Rehabilitation due to flooding; and

WHEREAS, the funding for the change order is allocated within the Water Resources - Capital Improvement Budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order to the existing contract with CDM Smith for the Mills River Water Treatment Plant Miscellaneous Phase 1 Improvements, for the amount of $81,997 for a total contract amount of $158,177.

Read, approved, and adopted this 8th day of June, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-115

RESOLUTION APPROVING ADDITIONAL DONATIONS OF UNUSED SETTLEMENT FUNDS

WHEREAS, on June 10, 2020, the Buncombe County Superior Court approved the settlement of a class action lawsuit regarding certain water service fees entitled Mayfair Partners, LLC v. City of Asheville; and

WHEREAS, a condition of the the settlement required that any unclaimed portion of the settlement proceeds would be donated to a charity or charities to be selected by the Asheville City Council and approved by the plaintiffs in the action: and

WHEREAS, on October 27, 2020, in closed session, the City Council selected two nonprofit organizations to receive the donations, the Asheville City Schools Foundation and CoThinkK, both of which have received approval from the class action plaintiffs; and

WHEREAS, on April 13, 2021, the City Council approved a resolution to donate the amount of $949,185.12 in unclaimed funds to the selected organizations; and

WHEREAS, following these donations, additional residual funds in the amount of $5,751 remain unclaimed from the settlement of the lawsuit and must also be donated pursuant to the terms of the approved settlement; and

WHEREAS, the City Council wishes to divide the remaining funds evenly between the two organizations previously selected to received them, such that each will receive the amount of $2,875.50; and

WHEREAS, It is the expectation of the City Council that the donated funds will be utilized in such a way as to provide the public benefit of advancing racial equity within the community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby directs the City Manager and City Attorney to effectuate the donation of the remaining unclaimed and unused portion of the settlement funds described herein to the Asheville City Schools Foundation and CoThinkK, in equal amounts, and that each donation shall be memorialized by a donation agreement providing for the terms and conditions of the parties with respect to the donated funds.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-116

RESOLUTION AUTHORIZING THE GRANTING OF AN EASEMENT TO FIFTY-FIVE SOUTH MARKET, LLC FOR FOOTERS AND FOUNDATION WALL IN RIGHT-OF-WAY OF BEAUMONT STREET AND ACCEPTANCE OF THREE SMALL PARCELS OF LAND WITHIN OR ADJACENT TO THE RIGHT-OF-WAY AT MARKET STREET AND VELVET STREET TO PROVIDE CLEAR TITLE TO THE CITY

WHEREAS, the City of Asheville controls the public right of way on the Beaumont Street adjacent to the Fifty-Five South Market, LLC condominium development; and

WHEREAS, NCGS 160A-273 authorizes the City to grant easements within the right of way if it will not substantially impair the use of the right of way; and

WHEREAS, it has been determined that the foundation wall easement (47 SF +/-) that the City is granting will not impair the use of the right of way along the Beaumont Street side of the development; and

WHEREAS, Fifty-Five South Market, LLC, owns real property located at 55 South Market Street at PIN 9648-49-8692-00000; and

WHEREAS, it has been determined that the City is receiving full and fair consideration for this easement; and

WHEREAS, Fifty-Five South Market, LLC wishes to convey, at no cost to the City, three small parcels of of property that are located either within or adjacent to the public right-of-way including: Tract C, 0.038 acres located within the right-of-way of Velvet St; Tract D, 0.027 acres located adjacent to the Velvet St. right-of-way; and Tract E, 0.061 acres located within the right-of-way of Market St. as shown on the attached Plat Map; and

WHEREAS, the City wishes to accept conveyance of these parcels in order to obtain clear title to the aforementioned right-of-way areas; .

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to grant a 47 square foot foundation wall and footer easement to Fifty-Five South Market, LLC and to accept the conveyance of the aforementioned parcels from Fifty-Five South Market, LLC and to execute any other related documents needed to complete the transaction.

Read, approved and adopted this 8 day of June 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 21-117

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY FOR FIRE PROTECTION AND AMBULANCE AND RESCUE SERVICES

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. §160A-293 to install and maintain water mains, pipes, hydrants, buildings and equipment outside its corporate limits, and may send its firemen and equipment outside its corporate limits to provide fire protection to rural or unincorporated areas pursuant to agreements between the City and the County; and

WHEREAS, the Asheville Special Fire Protection & Ambulance and Rescue Service District of Buncombe County was established and created effective July 1, 2016; and

WHEREAS, the Biltmore Estate has been served by the Asheville Fire Department since 1995 and Haw Creek has been served by the Asheville Fire Department since 2009 through contracts with Buncombe County; and

WHEREAS, the County levies a special tax in the Asheville Special Fire Protection & Ambulance and Rescue Service District and appropriates those funds to the City of Asheville; and

WHEREAS, the Asheville Fire Department will furnish fire protection and other emergency services as part of the Buncombe County EMS system; furthemore it will provide the necessary equipment and personnel; and

WHEREAS, the funds collected by the County as a result of the tax collected and the corresponding sales tax revenue due the District will be paid to the City by the last day of each month in twelve equal monthly installments; and at the end of the fiscal year, the County will reconcile the monthly payments made to the City and the actual amounts collected to make a final adjusted payment in July of the following fiscal year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into an agreement with Buncombe County until June 30, 2024, for fire protection and ambulance and rescue services, and is further authorized to collect funds from the County to furnish fire protection and other emergency services as part of the Buncombe County EMS System in the Asheville Special Fire Protection & Ambulance and Rescue Service District, and to provide necessary equipment and personnel.

Read, approved and adopted this the 8th day of June, 2021.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-118

RESOLUTION BY THE CITY OF ASHEVILLE APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS ON PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION

WHEREAS, as of 2019, the opioid epidemic had taken the lives of more than 16,500 North Carolinians, torn families apart, and ravaged communities from the mountains to the coast; and

WHEREAS, the COVID-19 pandemic has compounded the opioid crisis, increasing levels of drug misuse, addiction, and overdose death; and

WHEREAS, the Centers for Disease Control and Prevention estimates the total "economic burden" of prescription opioid misuse alone in the United States is $78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

WHEREAS, The City of Asheville has been severely impacted locally by the opioid epidemic, and continues to suffer the loss of lives, livelihoods, and more as a result of this crisis; and

WHEREAS, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuit against opioid manufacturers and pharmaceutical distribution companies and hold those companies accountable for their misconduct; and

WHEREAS, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Memorandum of Agreement (MOA) to provide for the equitable distribution of any proceeds from a settlement of national opioid litigation to the State of North Carolina and to individual local governments; and

WHEREAS, Local Governments and the State of North Carolina anticipate a settlement in the national opioid litigation to be forthcoming; and

WHEREAS, by signing onto the MOA, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, once a negotiation is finalized, as quickly, effectively, and directly as possible; and

WHEREAS, it is advantageous to all North Carolinians for local governments, including the City of Asheville and its citizens, to sign onto the MOA and demonstrate solidarity in response to the opioid epidemic, and to maximize the share of opioid settlement funds received both in the state and local governments to help abate the harm; and

WHEREAS, the MOA directs substantial resources over multiple years to local governments on the front lines of the opioid epidemic while ensuring that these resources are used in an effective way to address the crisis.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville hereby approves the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation, and any subsequent settlement funds that may come into North Carolina as a result of the opioid crisis. Furthermore, the City of Asheville authorizes the City Manager to take such measures as necessary to comply with the terms of the MOA and receive any settlement funds, including executing any documents related to the allocation of opioid settlement funds and settlement of lawsuits related to this matter.

BE IT FURTHER RESOLVED THAT:

Copies of this resolution and the signed MOA be sent to The North Carolina Department of Justice as well as forwarded to the N.C. League of Municipalities.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 21-119

RESOLUTION TO FUND COMMUNITY REPARATIONS FOR BLACK ASHEVILLE

WHEREAS, the Asheville City Council adopted Resolution No. 20-128 on July 14, 2020, in support of community reparations; and

WHEREAS, Resolution No. 20-128 directed the City Manager to establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the black community; and

WHEREAS, the City of Asheville received revenue from the sale of city-owned property at 172 and 174 South Charlotte Street to White Labs, Inc., land which had become partially vested in the City through urban renewal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to utilize funding available from the sale of city-owned property to provide an initial $2,100,000 in funding for community reparations and to support the process to develop community reparations recommendations.

Read, approved and adopted this the 8th day of June, 2021.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

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RESOLUTION NO. 21-120

RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, the terms of George Griff (electrical contractor), Charlie Wheeler (journeyman electrician), Drew Pike (utility representative), Russell Thacher (licensed engineer) and Roger Vaught (layman representative), as members on the Board of Electrical Examiners, expire on July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Donald Shane Massey is hereby appointed as the electrical contractor to the Board of Electrical Examiners, to serve a three-year term, term to expire July 1, 2024, or until Donald Shane Massey's successor has been duly appointed.

Drew Pike is hereby reappointed as the utility representative to the Board of Electrical Examiners, to serve a three-year term, term to expire July 1, 2024, or until Drew Pike's successor has been duly appointed.

Russell Thacher is hereby reappointed as the licensed engineer to the Board of Electrical Examiners, to serve an additional three-year term, term to expire July 1, 2024, or until Russell Thacher's successor has been duly appointed.

Roger Vaught is hereby reappointed as the layman to the Board of Electrical Examiners, to serve a three-year term, term to expire July 1, 2024, or until Roger Vaught's successor has been duly appointed.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-121

RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, the terms of Michael Hayes (west representative), Robert Hooper (HACA staff representative) and Karl Katterjohn (east representative), as members on the Citizens-Police Advisory Committee, expire on June 30, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Robert Hooper is hereby reappointed as the Housing Authority representative to the Citizens-Police Advisory Committee, to serve a three-year term, term to expire June 30, 2024, or until Robert Hooper's successor has been duly appointed.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

242

RESOLUTION NO. 21-122

RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

WHEREAS, the terms of Mukunda Pacifici and Greg Duff, as members on the Civic Center Commission will expire on June 30, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mukunda Pacifici is hereby reappointed as a member to the Civic Center Commission to serve a three-year term, term to expire June 30, 2024, or until Mukunda Pacifici's successor has been duly appointed.

Mitchell Eaton is hereby appointed as a member to the Civic Center Commission to serve a three-year term, term to expire June 30, 2024, or until Mitchell Eaton's successor has been duly appointed.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bullock
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-123

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, the terms of William Eakins and Maggie Brousaides, as members on the Asheville-Buncombe Historic Resources Commission will expire on July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Georgene Falcon is hereby appointed as a member to the Asheville-Buncombe Historic Resources Commission to serve a three-year term, term to expire July 1, 2024, or until Georgene Falcon's successor has been duly appointed.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21-124

RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

WHEREAS, the term of Raynette Waters expired on June 1, 2021; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Crystal Reid is hereby appointed as a member of the Human Relations Commission, to serve a two-year term, term to expire June 1, 2023, or until Crystal Reid's successor has been appointed.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 21-125

RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the terms of Spencer Hardaway (representing 28803 or 28704 zip code), Mike Wasmer (at-large representative) and Joseph Fioccola (representing 28801 zip code) expire on July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Mike Wasmer is hereby reappointed as an at-large member on the Neighborhood Advisory Committee, to serve an additional three-year term, term to expire July 1, 2024, or until Mike Wasmer's successor has been duly appointed.

Juan Pablo Chalarca is hereby appointed as the 28801 representative on the Neighborhood Advisory Committee, to serve a three-year term, term to expire July 1, 2024, or until Juan Pablo Chalarca's successor has been duly appointed.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bulleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 21-126

RESOLUTION APPOINTING MEMBERS TO THE NOISE ORDINANCE APPEALS BOARD

WHEREAS, the terms Tod Leaven, Wayne Wheeler and Patrick Gilbert (Alternate), as members on the Noise Ordinance Appeals Board expire on July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Tod Leaven is hereby reappointed to the Noise Ordinance Appeals Board, to serve a one-year term, term to expire July 1, 2022, or until Tod Leaven's successor has been duly appointed.

Wayne Wheeler is hereby reappointed to the Noise Ordinance Appeals Board to serve a three-year term, term to expire July 1, 2024, or until Wayne Wheeler's successor has been duly appointed.

Patrick Gilbert is hereby reappointed as Alternate to the Noise Ordinance Appeals Board to serve a three-year term, term to expire July 1, 2024, or until Patrick Gilbert's successor has been duly appointed.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-127

RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

WHEREAS, the terms of Ali McGhee, Johanna Hagarty and Constance Richards, as members on the Public Art & Cultural Commission, expire on June 30, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Ali McGhee is hereby reappointed to the Public Art & Cultural Commission , to serve an additional three-year term, term to expire June 30, 2024, or until Ali McGhee's successor has been duly appointed.

Johanna Hagarty is hereby reappointed to the Public Art & Cultural Commission to serve an additional three-year term, term to expire June 30, 2024, or until Johanna Hagarty's successor has been duly appointed.

Reggie Tidwell is hereby appointed to the Public Art & Cultural Commission to serve a three-year term, term to expire June 30, 2024, or until Reggie Tidwell's successor has been duly appointed.

Read, approved and adopted this 8th day of June, 2021.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-128

RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH USCOC OF GREATER NORTH CAROLINA LLC FOR ANTENNAS AND RELATED EQUIPMENT ON CITY-OWNED REAL PROPERTY AT 57 CRESTWOOD DRIVE, ARDEN, NC

WHEREAS, N. C. Gen. Stat. sec. 160A-272 authorizes the City to enter into lease or license agreements of 10 years or less upon resolution of the City Council adopted at a regular meeting after 30 days' public notice; and

WHEREAS, the City of Asheville is the owner of real property located at 57 Crestwood Dive, identified as PIN #9654-59-5097-00000; and

WHEREAS, USCOC of Greater North Carolina, LLC., a telecommunications company, has offered to enter into a ten year license agreement in order to continue its placement on the tower at 57 Crestwood and operate antennas and related equipment upon the property at 57 Crestwood Drive; and

WHEREAS, in exchange for the ten year lease, USCOC of Greater North Carolina, LLC, will pay a monthly lease payments of $3,525.00 with an annual 3% cost of living increase each successive year; and

WHEREAS, the City Clerk published a Notice of Intent in connection with the proposed lease agreement on Friday, May 21st, 2021, in the Asheville Citizen-Times; and

WHEREAS, the City's needs for the property during the term of the lease are compatible with the proposed lease;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the License Agreement between the City of Asheville and USCOC of Greater North Carolina, Inc. for antennae and related equipment at 57 Crestwood Drive. In addition, the City Manager be, and is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21- 129

RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A MULTI-YEAR AGREEMENT AND ISSUE PURCHASE ORDERS FOR A PERIOD OF FIVE YEARS WITH THREE OPTIONAL, ONE-YEAR CONTRACT EXTENSIONS, CONTINGENT UPON FUNDING, FOR THE EQUIPMENT LEASE, INSTALLATION, MAINTENANCE, AND PRODUCT PURCHASE OF LIQUID OXYGEN FROM AIR PRODUCTS FOR USE AT THE MILLS RIVER WATER TREATMENT PLANT

WHEREAS, pursuant to N.C.G.S § 160A-312, the City of Asheville has the authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S § 160A-20 the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Water Resources Department has the need for liquid oxygen in order to produce ozone needed for the treatment process at the Mills River facility; and

WHEREAS, the City advertised a bid for the equipment lease, installation, maintenance, and product purchase of liquid oxygen; and

WHEREAS, Air Products was selected by City Staff for the equipment lease, installation, maintenance, and product purchase of liquid oxygen at the Mills River Water Treatment Plant; and

WHEREAS, the project will be funded from the Water Resources Operating Fund;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City is hereby authorized to enter into a multi-year agreement and issue purchase orders for a period of five (5) years with three (3) optional one (1) year contract extensions, contingent upon funding, for the equipment lease, installation, maintenance, and product purchase of liquid oxygen from Air Products to use at the Mills River Water Treatment Plant.

Read, approved, and adopted this 22nd day of June 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

250

RESOLUTION NO. 21-130

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND IF AWARDED ACCEPT GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, the Federal Emergency Management Agency (FEMA), has issued guidelines for the FY 2021 Assistance to Firefighters Grant (AFG); and

WHEREAS, the Asheville Fire Department wishes to apply for the Assistance to Firefighters Grant (AFG) in an amount of $130,091 for the purchase of equipment, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for and, if awarded, accept, the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 21-131

RESOLUTION ACCEPTING THE FLOOD MITIGATION ACTIONS REPORT WHICH IS PART OF THE REPETITIVE LOSS AREA ANALYSIS, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT FOR THE COMMUNITY RATING SYSTEM PROGRAM

WHEREAS, Buncombe County has performed a comprehensive review and evaluation of each section of the previously approved Buncombe Madison County All-Hazard Mitigation Plan and has updated the said plan as required and according to guidance issued by FEMA and the North Carolina Division of Emergency Management, and

WHEREAS, the participation in the Community Rating System program, which Asheville is currently a member requires the City to provide a Repetitive Loss Area Analysis and to report on those Flood Mitigation Action Items on an annual basis, and

WHEREAS, the City wishes to continue to promote public safety and welfare through the continued participation in the Community Rating System Program, and

WHEREAS, City Staff has provided Council with the annual Flood Mitigation Action Items report as it relates to the Repetitive Loss Area Analysis;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City of Asheville does hereby receive and accept the Flood Mitigation Actions Report prepared by City Staff for the annual Repetitive Loss Area Analysis Flood Mitigation Action Items, attached hereto as Exhibit A, and authorizes its submission to the Insurance Services Office and the Federal Emergency Management Agency as part of the annual Community Rating System report which is to be signed by the City Manager.

Read, approved, and adopted this the 22th day of June 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

Exhibit A
FLOOD MITIGATION ACTIONS
REPORT TO COUNCIL 2021

As an ongoing method to reduce flood hazards, increase resilience, and protect natural functions of floodplains, in 2014, the City was accepted into the Community Rating System Program. This is a national voluntary incentive program that recognizes community floodplain management activities that make communities safer and a lower flood risk. As a result of these activities, we see increased community resilience, and our citizens with insured properties in the floodplain will receive a 10% discount in flood insurance, based on our classification of CRS Class 8.

In June 2019, the Insurance Services Office, Inc, conducted a verification visit, which are typically conducted every five years to review the City's compliance with program elements for which we've received points over the past 5 years, and update our program compliance to the elements starting May 1, 2020 we will be responsible for until our next Verification visit. Based on this analysis of our program compliance and the 2014 Repetitive Loss Area Analysis (RLAA) there are mitigation action items identified for the City to focus on both long term and annually.

Long-term program elements:

1. Buncombe Madison Regional Hazard Mitigation Plan:
   a. The Buncombe Madison Regional Hazard Mitigation Plan has been approved by FEMA and adopted by the City Council on June 8, 2021 Council Agenda.
   b. The plan incorporates the CRS program, as well as the Climate Resilience Plan.
   c. North Carolina Emergency Management supported the update. Staff from the Asheville Fire Department, Public Works, Development Services, and Sustainability work together to update the action items specific to the City of Asheville.
2. Flood Warning System - The City will consider the feasibility of a flood warning system in one or more of the Repetitive Loss Areas to assist in advance notice to property owners of an impending flood. (RLAA, 2014)
   a. The Public Works Department, Development Services Department and the Asheville Fire Department are utilizing the NC Flood Inundation Mapping and Alert Network FIMAN website to assist in advance warnings for flooding. The City team utilizes the projections and can send out key messages to property owners and residents within the City as necessary.
   b. The City utilized social media and other communication outlets (AVL Alert) to update citizens on the status of road closures, latest forecasts and passed along key information from the North Carolina Emergency Management Department. DSD maintains a list of direct contacts for flood prone property owners, and properties with flood action plans, to send out direct email alerts.
   c. The Fire Department and DSD Site Development & Floodplain Administration are working together to potentially develop a Flood Warning and Response plan that will coordinate the warning system efforts in hope to streamline and improve utilization of existing systems and protocols already in place, such as AVL Alert.
3. Flood Mitigation Projects:
   a. The City's Public Works Department, partnering with the U.S. Army Corps of Engineers and the N.C. Division of Water Resources, identified a flood mitigation project along the Swannanoa River to remove fill both upstream and downstream of the Biltmore Avenue Bridge in the Biltmore Village area. Due to major utility conflicts, the project resulted in

larger impacts and additional costs reducing the benefit/cost ratio. The project was placed on hold until additional funding is identified or other project partners are able to participate.

b. The Public Works Stormwater division is currently in the design phase of a project located in the Edwin/Celia/Canterbury area of the city. This area has been experiencing localized flooding which has overtopped Edwin Place periodically over the past several years. City staff has had multiple public meetings to discuss the details of this project. This project is currently in final design and will result in a multi-phased, multi-year project for construction.

c. The Public Works Stormwater division has a number of projects moving into the construction phase that help address localized roadway flooding issues. These include Sulphur Springs Stormwater Improvements, the Forest Hill-Caledonia Stormwater Infrastructure project, and Carter-Ann-Patton Stormwater Improvements project. Public Works Stormwater Operations team is currently upgrading a system along Cedar Street in the Oakley community that will reduce localized flooding in that area.

d. A multi-departmental and agency team, led by Transportation is in the preliminary stages of the Swannanoa River Corridor Resiliency Plan for Transportation, Flood Mitigation, and Greenway Study. This includes the current Swannanoa Greenway and Tunnel Road corridor studies underway with French Broad River Metropolitan Planning Unit. The Corridor study will look at roadway, greenway, and infrastructure alignment, as well as opportunities for green infrastructure, flood mitigation and improved resilience from flooding.

Annual Action Items:

1. Public Outreach and Education: The City will continue its flood hazard mitigation public outreach efforts by communicating with property owners in flood prone areas to make certain they understand the risks associated with flooding, and encourage owners to consider flood protection measures outlined in this analysis and related publications.
   a. Flood Informational Website - the City maintains an extensive flood related information available on the City's Public Works Department's Stormwater Division's website - Flood Information This website has links to interactive tools to research properties within the special flood hazard area along with the Biltmore Village Emergency Response Plan which was developed in partnership with the US Army Corps of Engineers. Located on the website is information related to what to do before floods, during a flood and after flooding. The website also includes information on flood maps, searchable repository of Elevation Certificates, and other community outreach information.
   b. Community Outreach:
      i. Information outreach pamphlets are located in public areas, throughout the city, including Public Works Building, City Hall, Azalea Park, Carrier Park, Recreational Centers, and some local libraries. In addition these are provided to the public at stormwater and flood community engagement events and school outreach programing.
      ii. Informational letters providing City floodplain administration contact, flood insurance, services provided by the floodplain administration staff, are sent to local banks, lenders and insurance agencies for their agents and to provide to their customers.
      iii. City Staff is available to meet with citizens who have flooding questions. Staff will

continue to be proactive with providing the customer services citizens deserve.

iv. Social media and digital engagement - various flood preparation, hazard, and management information is shared through our social media outlets and public engagement outlets. We work with CAPE and Fire Department public outreach to guide the release of this information as there are two (2) types of information that are released through this outlet:
    1. General program information and operational changes that impact the floodplain. This provides information about the CRS program, AVL Alert, how to prepare for a flood, and what to do if it floods.
    2. Incident outreach which provides information in real time, with flood warnings, road closures, and other related emergency information, specific to that event. Depending on the event may follow with additional information on flood damage recovery. (*See Flood Warning System*)

c. Stakeholder Outreach:
    i. Repetitive Loss Area informational letters are sent to each property owner located within the defined areas with information related to flood protection and actions the property owners could take to help minimize damage from flooding.
    ii. City staff provide on site flood assessment guidance for citizens who have concerns about flooding on their property.
    iii. City staff often meet with property owners and developers who have questions about their property and how the flood zones impact current and future plans for the property.
    iv. As development takes place within the Repetitive Loss Area (RLA) and regulatory floodplain, the DSD staff work with property owners and engineers to inform them of the protection measures required for their development and guide them through the development process. City ordinances require the developer to take actions that are above minimum FEMA requirements to help provide additional protection from flood damage in flood prone areas.

2. Enforcement: The City will identify any structures within each of the RLAs that are not permitted for occupancy and proceed with standard enforcement actions to bring the structures into compliance or have them removed.
    a. The Development Services and Fire Departments continue to work to identify such properties and make notifications to these property owners. As these properties that are not permitted for occupancy arise, staff will take action to notify the property owners of the non-compliance issues and provide them with the necessary requirements to meet current standards. City staff is available to meet with citizens to discuss issues concerning these properties and discuss what options are available.

Moving forward:

Various city departments' work together to complete the flood mitigation actions tasks necessary for the CRS program; the team includes the Development Services Department, Public Works, CAPE and the Asheville Fire Department. Staff is pleased to assist the citizens of Asheville, to be able to receive a 10 percent reduction on flood insurance premiums as a result of the City participating in the CRS program.

The flood mitigation efforts are key to the sustainability and resilience of special flood hazard areas and the City looks for partnership opportunities in these locations as they become available. Staff looks forward to continuing to partner with NCDOT, Army Corps of Engineers,

NC Department of Water Resources and other local partners on flood mitigation efforts.

The Development Services Stormwater team is looking at opportunities to improve the program and our rating. Specifically through working interdepartmentally to improve outreach to the community, flood warning response, and flood data.

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RESOLUTION NO. 21-132

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE AN AMENDMENT TO THE SAM SCHWARTZ CONSULTING, LLC CONTRACT FOR I-26 CONNECTOR PROJECT DESIGN WORK

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) and the City of Asheville formed a working group that has been meeting on a consistent basis identifying and discussing various design tweaks and betterments; and

WHEREAS, the Sam Schwartz Consulting, LLC contract was approved to provide the City of Asheville planning and design expertise; and

WHEREAS, the City of Asheville established an I-26 Connector Project Aesthetics Committee on April 24, 2018 and the initial committee members were approved on July 24, 2018 via Resolution # 18-192; and

WHEREAS, Sam Schwartz Consulting, LLC has been providing planning and design expertise to the I-26 Connector Project Aesthetics Committee; and

WHEREAS, Sam Schwartz Consulting, LLC has prepared a report on behalf of the I-26 Connector Project Aesthetics Committee that is currently being reviewed by the NCDOT;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to approve an amendment to the Sam Schwartz Consulting, LLC contract (contract # 91800148) to increase the contract by $7,000, raising the contract total to $207,000 for the I-26 Connector Project design work.

Read, approved and adopted this the 22nd day of June, 2021.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-133

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND EXTENSION OF THE MEDIAN MAINTENANCE CONTRACT WITH RIVERTOP CONTRACTING, INC.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited in June of 2019 for the Median Maintenance Project ; and

WHEREAS, Rivertop Contracting, Inc. was the lowest, responsive bidder;

WHEREAS, the contract was for one-year plus included two one-year extensions;

WHEREAS, the first one-year extension will expire on July 7th, 2021; and

WHEREAS, the amount of the extension is $32,222;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the second one-year extension of the Median Maintenance contract in the amount of $32,222 with Rivertop Contracting, Inc. The City Manager is also authorized to execute any change orders up to the budgeted amount.

Read, approved, and adopted this the 22th day of June 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-134

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH DUDE SOLUTIONS FOR ENERGY MANAGER, A CARBON EMISSION TRACKING SYSTEM

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on April 12, 2011 City Council adopted Resolution 11-77 to reduce municipal carbon emissions by 4% each year until an 80% reduction is reached; and

WHEREAS, Dude Solutions was the vendor identified to assist the City in tracking both energy consumption from municipal buildings and the associated carbon emissions; and

WHEREAS, Dude Solutions shall provide Energy Manager, the tracking system platform, and import energy consumption from utility bills; and

WHEREAS the amount to continue funding the scope of work for fiscal year 2022 is $39,352.17 and will come from the Green Savings Account;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the contract with Dude Solutions for the Energy Manager, a carbon emission tracking system.

Read, approved, and adopted this the 22nd day of June 2021.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-135

RESOLUTION ESTABLISHING AN ETHICS POLICY FOR ADVISORY BOARDS & COMMISSIONS

WHEREAS, pursuant to Section 160A-86 the Asheville City Council has adopted a Code of Ethics and it is appropriate that members of City appointed Boards & Commissions also adhere to a Code this Ethics; and

WHEREAS, it is essential that Council appointed public committee meetings are welcoming, safe, and productive atmospheres to conduct the business of the public; and

WHEREAS, a Code of Ethics establishes guidelines for ethical standards of conduct for committee members to help determine what conduct is appropriate in particular circumstances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Ethics Policy for Advisory Boards and Commissions is hereby adopted as set forth in Exhibit A, attached hereto and incorporated.

Read, approved, and adopted this the 22nd day of June 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

ATTACHMENT A

Ethics Policy for Advisory Boards & Commissions

Purpose

The purpose of this Ethics Policy for Advisory Boards & Commissions (hereinafter referred to as the "Ethics Policy") is to establish requirements for ethical standards of conduct for Boards & Commission members and ensure that all City of Asheville Boards & Commission committee meetings are equitable and welcoming to all participants as well as to create a respectful, safe and productive atmosphere to conduct the business of the public body. This policy should be used as a guide for appropriate conduct. It should not be considered a substitute for the law, and should be applied in conjunction with Board members' best judgment.

Meeting Rules of Decorum

Board members should conduct the affairs of the public body in an open and public manner. They should remember that when they meet they are conducting the public's business to provide advisory recommendations or related functions to, or on behalf of, the City Council. For official meetings of the board, members shall:

- Be civil and courteous in their language. Insults, profanity, use of vulgar language or gestures, or other inappropriate behavior are not allowed and may constitute cause for immediate removal from the meeting.
- Be respectful of others' opinions and allow space for differing opinions to be expressed.
- Avoid unnecessary and superfluous use of the written chat feature while participating in virtual meetings of the board.
- Be visible and on camera to the extent possible while participating in virtual meetings of the board.
- State their name and/or be recognized by the Chair before speaking in virtual meetings of the board.
- Refrain from personal attacks and/or threats directed towards board members, City Staff or other attendees and members of the public.

Operating Code of Conduct

Board members should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to gain the public's trust. They should remember when they meet that they are conducting the public's business, and to the extent appropriate, they should be willing to put the City's interests ahead of their own. Board members shall:

- Be respectful to other board members and City Staff.

- Understand they hold a standard of trust on behalf of the City of Asheville and community members.
- Recognize that individual board members are generally not allowed to act on behalf of the full body or the City of Asheville, except and only when authorized to do so, and that the board may only take official action as a body.
- Use their best independent judgment to pursue the common good for the City of Asheville as they see it, presenting their opinions in a reasonable and respectful manner.
- Respect and honor the majority decision of the body after a vote has been taken.
- Attend and prepare for meetings.
- Be mindful they serve in an advisory capacity to the City Council and may act within the scope of designated responsibilities as outlined in their establishing resolutions.
- Be mindful committee members cannot direct the work of City Staff.
- Boards Not solicit or knowingly accept gifts or favors in connection with board work.
- Not use City resources or personnel for private or personal uses.
- Be fair and impartial with all votes and discussion.

Harassment

The City is committed to an environment in which all individuals are treated with respect and dignity. Each board member has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment of any kind. Under this policy, harassment is verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual. Sexual harassment is defined as unsolicited and unwelcome sexual advances, requests for sexual favors, or other unsolicited and unwelcome verbal, visual, or physical conduct of a sexual nature. You are expected to show good judgment in the area of community relations and avoid actions which violate another person's right to a working environment free of harassment.

City officials, managers and supervisors are bound to maintain the confidentiality of all investigations of alleged violations of the harassment policy. However, management cannot "guarantee confidentiality". Depending on circumstances, there may be situations where investigative findings must be released to appropriate outside authorities.

Social Media

What we choose to post online personally is up to the individual. However, as a City volunteer, it's important to remember that what is posted could reflect poorly on the City or impact the board's ability to be effective in its role. This should extend to communications that may include letters to the editor, speaking at public forums, etc. Board Members shall:

- Always ensure that it is clear that they are not posting on behalf of the City or their specific board, unless specifically authorized to do so. Members shall use a disclaimer anytime they are making individual public facing statements pertaining to a matter related to City business.

  - Sample disclaimer:"These are my own personal opinions and do not represent those of the City of Asheville and/or the board."
  - The use of this or a similar phrase, however, does not relieve board members of their responsibility to comply with the remaining provisions of this or any other City policy.
- Be mindful that nothing posted on social media is private, and it all lasts forever. Even if you haven't made a post or comment "public," it's not really private and you are still responsible to ensure it complies with the Ethics, and other applicable policies.
- Be respectful. The City and Community members expect you to be truthful, courteous, and respectful toward residents, customers, and anyone else associated with the City.

Conflict of Interest

- If a member believes that he or she may have an interest in a matter on the board's agenda that may affect his or her ability to remain impartial and unbiased, he or she shall consult with the Staff Liaison and the City Attorney's Office prior to the meeting if possible.
- Conflict of interests may include substantial financial interest; close familial, associational or business relationship. Members should be familiar with, but understand that some may not apply in all situations; it is best to seek advice from staff as to when these apply.
- City staff and the City Attorney's Office will assist the member in determining whether it is necessary or appropriate to recuse the member from any vote, action, or discussion.
- Recusal should be done by a vote of the remaining members of the board.
- If a member is excused from voting on a matter before the board, he or she should leave the meeting at the beginning of consideration of said matter. An approved recusal shall not affect the quorum.
- Unless formally recused for a conflict of interest, all members have a duty to vote and cannot abstain from a matter.

Compliance

The Chair of each public body, Council Liaison and/or City Staff liaison(s) have the authority to further investigate and enforce compliance of this Ethics Policy for Advisory Boards. Failure to comply with the guidelines set out in this policy may result in immediate removal of a member from a meeting, and/or removal from the Board.

RESOLUTION NO. 21- 136

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A PERMANENT EASEMENT ON CITY RIGHT OF WAY AT 99 RIVERSIDE DRIVE TO RIVERSIDE LLC

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of right of way adjacent to 99 Riverside Drive, identified as PIN# 9638972818 and

WHEREAS, 99 Riverside LLC has requested a Permanent Easement containing approximately 312 square feet over a portion of said property on Riverside Drive and has agreed to pay $5,000.00 as fair market consideration for said easement; and

WHEREAS, the Public Works Director has determined that the easement will not substantially impair or hinder the use of the right of way for passage;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located at 99 Riverside Drive to 99 Riverside LLC In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-137

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ACCEPT A DONATION OF LAND LOCATED ON OLD HAYWOOD ROAD AND EASTVIEW CIRCLE

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Anne and Mike Powell, the heirs of Robert C. Hunter, the heirs of Joseph L. Hunter and the heirs of Edward B. Shoff Jr., are the owners of a 0.12 acre parcel of real property located at the intersection of Old Haywood Road and Eastview Circle identified as PIN # 9618-90-7458-00000; and

WHEREAS, the property owners have no use for this property and to donate it to the City of Asheville at no cost; and

WHEREAS, the City would like to accept this property for the purpose of providing storage for Fire House #10 located at the corner of Old Haywood Road and Eastview Circle;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute documents necessary to accept this donation of real property.In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-138

RESOLUTION AMENDING THE 2021 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council will hold a worksession on the American Rescue Plan Act summary plan at 2:30 p.m. on July 27, 2021, at Harrah's Cherokee Center - Asheville, located at 87 Haywood Street, Asheville, North Carolina.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION 21- 139

RESOLUTION AMENDING THE CITY OF ASHEVILLE'S LAND USE INCENTIVE POLICY

WHEREAS, pursuant to N.C. Gen. Stat. § 160D-1316 , the City is authorized to appropriate and expend funds for residential housing for sale or rental to persons and families of low- and moderate income; and

WHEREAS, the Asheville City Council last adopted an update to the Land Use Incentive Grant Policy on November 10, 2020; and

WHEREAS, the Asheville City Council believes it is necessary to modify and clarify the City's existing Land Use Incentive Policy ("LUIP") in order to further encourage the use of the LUIP and to more specifically set forth the requirements and considerations for Council approved appropriations for affordable housing including the importance of preserving affordable housing by allowing developers to utilize this policy to convert a percentage of market rate units to affordable; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City's Land Use Incentive Policy last amended on November 10, 2020, adopted (Resolution No. 20-207) is hereby revised and amended as shown on Exhibit A, attached hereto and incorporated here by reference and this version hereby replaces and supersedes all prior amendments to this Policy.

Read, approved and adopted this 22nd day of June, 2021.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A

LAND USE INCENTIVE GRANT POLICY
AS AMENDED & UPDATED ON JUNE 22, *2021 / RESOLUTION #21-139*

Thank you for your interest in building and maintaining affordable homes for individuals and families in Asheville. By partnering with the City of Asheville, we hope to assist all developers to fulfill their mission as well as ours by keeping Asheville a vibrant and affordable place to live.

If you are considering adding affordable units to your development or preserving and protecting affordable housing, please read this policy and guidance in its entirety. If you should have any questions, or are interested in getting an estimate on subsidy for building affordable units, please contact:

Paul D'Angelo, CD Program Director
City of Asheville
pdangelo@ashevillenc.gov / 828.251.4098

Guidance:
Please see the points matrix on the following page. Every **5** points can earn one year of economic incentive -

> Equivalent to **City** property taxes (with full improvements calculated) in excess of currently assessed city taxes at the time of LUIG application for one year applied annually, *to be dated from the date of release of all occupancy permits for the project. Land Use Incentive Grant (LUIG)* not to exceed 20 years plus one. *For adding affordable units to an existing all market rate rental complex, the tax value on the building will be granted back but not the land value.*

The baseline rents defining "affordable" and "Low to Moderate Income (LMI)" housing shall be the rents for income and household size and determined by the number of bedrooms in qualified residential units, as published by the Community Development Department (CD), for the year (known as Appendix 1) in which the Certificate of Occupancy (herein "CO") is issued.

To Qualify:
The following requirements must be met in order for City Council to consider an application. Affordability is the key. While CD will discuss any development that includes affordable units, applicants must meet the following minimum requirements:

- The proposed development must consist of two or more dwelling units for rent;
- At least 20% of the units must meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income (AMI) which would include at least 50% of the units accepting Rental Assistance like Housing Choice Vouchers (HCV). (Ex. to qualify - 100 home rental community: 10 affordable @ < 80% AMI, 10 HCV = 20 affordable homes / 20%). The developer must demonstrate good faith efforts if 50% of the affordable units are not rented to Housing Choice Voucher holders.
- The affordable units must be affordable to and leased to income-eligible households for at least *20* years.
- The proposed development must be located inside the city limits.
- The proposed development must be 70% residential in use based on square footage not to

include a parking structure if applicable.

- The proposed development must be located to provide residents convenient access to jobs, schools and services. A walkability score from walkscore.com must be submitted with the Application along with a bikeability score.
- Regardless of whether an application appears to qualify based on the criteria, City Staff must determine the financial feasibility of the City awarding any grant amount. Absent such an independent determination being made, no application will be accepted.

Scoring Table (See "Notes on the Matrix" below for further clarification)

Points	5	10	15	20	30	40	50	60	70	80	90	10
20%+ Affordable (80% AMI and below)				x								
30%+ Affordable					x							
40%+ Affordable						x						
50%+ Affordable							x					
60%+ Affordable								x				
70%+ Affordable									x			
80%+ Affordable										x		
90%+ Affordable											x	
25%+ Low Mod Income (80.1 - 100% AMI)	x											
50%+ Low Mod Income		x										
75%+ Low Mod Income			x									
20%+ Low Income (under 60% AMI)		x										
50%+ Low Income				x								
Tenant Affordability: *30* years		x										
Tenant Affordability: *50* years				x								
Converting Market to Affordable - 20 years affordability					x							
Converting market to Affordable - 30 years affordability							x					
10%+ Rental Assistance		x										
20%+ Rental Assistance				x								
30%+ Rental Assistance					x							
40%+ Rental Assistance						x						
50%+ Rental Assistance							x					
Referral - Homeless By-name List	x											
Location: .25 mile ½ hour transit stop		x										
Location: Within Central Business District					x							
Location: 1 mile from job *or urban* center	x											
Location: .5 mile from Transp. Amenity	x											
Brownfield Redevelopment		x										
Energy Efficiency (EE) / Energy Star	x											
EE / Green Built Homes, SystemsVision		x										

EE / Solar Panels			x									
Universal Design - 20% units		x										
Building in NON-Qualified Census Tract		x										
Redevelop/Rehab 1 to 2 rebuild for affordable	x											
Redevelop/Rehab 1 to 3 rebuild for affordable		x										

The above point system will guide City Council in determining the actual amount of the Grant. Because the point system is a guide, City Council is authorized to allow more or less points on any particular factor, depending upon development characteristics, potential benefits of the project, potential detriments of the project, etc. **Regardless of a project's total score under the above matrix, the maximum grant for a project shall be capped at an amount equal to $80,000 per affordable unit over the affordability period.**

Notes on the matrix

- Affordability % & length of affordability are top priorities in the scoring matrix.
- LMI (Low to Moderate Income) units and points are for income-eligible households earning 100% or less (80.1% to 100% AMI) of area median income, also published on the Community Development website (known as Appendix 1).
- If a combination of Affordable and LMI Rental Units are provided in a single development, the total combined percentage of affordable and LMI is used to determine the percentage of LMI units in the project .
- Low Income
  - Income-eligible households earning 60% or less of area median income. Applicants must be willing to accept vouchers for these units to receive points.
- Converting Market to Affordable
  - The City would expect that within 2 years the minimum 20% affordable units would be available through natural turnover. The Tax Grant will begin in the year following the minimum affordable units being met.
- Rental Assistance
  - Housing Choice Voucher (HCV - Section 8), Veterans Affair Supportive Housing (VASH), Continuum of Care, Rapid Re-Housing, Housing Opportunities for People With Aids (HOPWA), Transition to Community Living (TCLI), etc. For points, at least 10% of the ***total*** number of all units, including market & affordable, must accept Rental Assistance.
- By-Name List
  - This is the Community Registry of the most vulnerable chronically homeless disabled adults; this tenant would come with rental assistance & ongoing supportive services. Removing 1 person off the list = 5 pts.
- Superior locational efficiency / explanation of ".5 mile from Trans. Amenity"
  - Within .5 mile of an existing public school, full-service grocery store, or ART bus stop (when served by a one hour ART transit frequency with service expansion planned in Transit Master Plan, and an existing or concurrently developed sidewalk or marked and maintained multi-modal path).
- Superior locational efficiency / explanation of "1 mile from job or urban center"
  - Within 1 mile of a designated job center (Asheville downtown, Mission Hospital main campus, Biltmore Town Square, or within 1 mile of an Urban Center as defined in the City's Comprehensive Plan). Applicants may also make a case for large concentrations of job opportunities within 1 mile radius of site.
- Brownfield redevelopment
  - Applicants who have received approval for a State of North Carolina Brownfield Redevelopment grant may request that payment of their Land Use Incentive Grant be extended beyond the awarded term, in order to be able to use both grants. However, the LUIG amount will be calculated starting from the year of the CO, even if the actual payment of the grant extends beyond the awarded term.
- Energy efficiency

  - Points for Energy Star Certification, Green Built Homes Certification by the Green Built Alliance, and SystemVision from the North Carolina Housing Finance Agency (NCHFA).
- Universal Design
  - In general, the design of buildings, products or environments to make them accessible to all people, regardless of age, disability or other factors. Link here for more information as recommended by NCHFA.
- Building in a **NON**-Qualified Census Tract (QCT)
  - A QCT is a census tract in which at least 50% of the households have an income less than 60% of the Area Median Gross Income (AMGI).
  - Link here to a QCT Map - Census Tracts 1,3,9,10, 13, 25.06 are all QCTs.
- Redevelopment / Rehabilitation
  - Rebuild or Rehab of units where affordable units existed before; all units rehabbed or redeveloped in the 1 to 1 match must target the same AMIs as the original units.

Application Procedures & Notes

- A $300 non-refundable application fee must accompany each LUIG application.
- Applications shall be in the form of a letter written to the City Staff contact (narrative).
- The application letter should indicate clearly how the project meets the grant eligibility requirements (see TO QUALIFY), a completed Matrix table and demonstrated need for a grant in order to meet the proposed criteria.
- The application letter should clearly indicate who the developer contact person is, and how that person can be contacted.
- The application letter must provide the PIN Number of the property(s) to be developed, the current tax value of the property(s), the amount of city taxes paid, and an estimate of the tax value of the project post-completion. When converting Market to Affordable, please separate out the land tax value and the building tax value.
- The application letter must provide an estimated start date for project construction, and an estimated date for project completion and issuance of all occupancy approvals. When converting Market to Affordable, estimate the date when the minimum # of affordable units will be met.
- *The application must be accompanied with site plans, proximity maps to transit, amenities, Job/Urban Centers, etc.to justify points requested and/or points requested outside of policy. When converting Market to Affordable, please include a picture of the building.*
- Applications should be received at least 15 days before the respective regularly scheduled Housing and Community Development (HCD) Committee meeting.
- The applicant will be responsible for reaching out to the Buncombe County Tax Assessor's Office to help determine the approximate tax value of the completed development. The Assessor will need the following information to determine an approximate value -
  - Number of units per unit mix (1BR, 2BR, etc.)
  - Projected rent per unit broken down by market & affordable level and number of units at each rent level.
  - Projected expenses.
  - Total heated sqft of project and any building construction details and/or building plans.
  - Parcel number(s).

  Please Note that Buncombe County may need up to 30 days to calculate an approximate tax value and City staff can help with contact information & facilitation. Their email response attached to the application will suffice as proof of their analysis.

- The applicant should expect the application to be considered in at least four meetings open to the public: 1) at a regular meeting of the Housing and Community Development Committee; 2) at a regular meeting of the Finance & Human Resources Committee; 3) at a regularly scheduled City Council meeting, when a motion to hold a public hearing will be formally considered; 4) at a regularly scheduled City Council meeting when the public hearing will be heard, and the grant request will be formally considered by Council. Approval of a Land Use Incentive Grant under this Policy requires a public hearing and approval by the City Council.
- Unless granted an exemption from the City Council for just cause shown, no new or updated LUIG application, i.e. no Grant, will be allowed under this Policy for projects which have already received building permits and/or final zoning approval unless converting Market to Affordable
- If approved, City staff will prepare a LUIG Agreement, to be reviewed by the City Attorney's Office, which will detail the specific terms of the grant, including, but not limited to:
    - An estimated award, based upon the estimated difference between the current property tax value and the estimated tax value ***post completion***, and the Council approved Land Use Incentive Grant. The actual grant will be based upon the actual assessed value at the completion of construction, as determined by the Buncombe County Tax Assessor. ***Please note*** *- The City will only support a LUIG for up to $80,000 per unit of subsidy during the term of the grant although this figure* ***may*** *be adjusted upwards by Council, if requested by the developer, based on the type of build, level of affordability targeted, length of affordability, shared parking agreement, etc., as well as when a city property tax increase / revaluation occurs.*
    - When converting Market to Affordable, the City will grant back the tax paid on the Building value only, with taxes continuing to be paid on the land value.
    - The number of units that must be provided at affordable or LMI rents, and the duration of time those rents must be provided. (Affordability Agreement)
    - Monitoring criteria and provisions/penalties for non-compliance.

After the Application: Process and City Council Review:

Community Development Staff will accept and evaluate Land Use Incentive Grant applications submitted pursuant to this Policy for compliance with, among other things, this Policy's requirements and goals, the City's adopted Strategic Plan, Vision and any other applicable City plans. Working with the Developer, staff will also evaluate the number of potential points which a project could achieve under the Policy and provide a report to the Housing & Community Development Committee (HCD), with a recommendation based upon the foregoing analysis. HCD will review the staff assessment and make a recommendation to the Finance Committee and City Council. Finance Committee will also review staff assessment and make a recommendation to City Council.

Please Note that CD Staff will do their best to move your application through to HCD quickly; however, factors such as staff capacity, the shovel readiness of your project, coordination with a Conditional Zoning request, etc. could affect when your application is heard at HCD and ultimately by City Council.

City Council will hear the staff assessment report and the Applicant's request and set a public hearing. Following the public hearing, the Council will make a discretionary determination as to whether to award the requested Grant, and the amount of any Grant awarded, based on its overall evaluation of the submitted project, not just the number of points.

*City Council will review applications which seek grants under this Policy according to the requirements and procedures set forth in N.C. Gen. Stat. § 160A-456 and N.C. Gen. Stat. § 158-7.1, and those which are set forth herein. The Council's decision to make a Land Use Incentive Grant and the amount of any Grant which is allowed, while within the discretion of the City Council, shall be guided by this Policy.

Notwithstanding the foregoing, the land use incentive grant is not an entitlement and the City is under no obligation to award such grants and specifically reserves the right to deny any application for any reason in the City's sole discretion.

Community Engagement & Outreach for the Affordable Units

Whether building new or purchasing old, CD expects our development partners to reach out to organizations, groups, and stakeholders about the affordable units coming online for rent. At a minimum, CD requires you to outreach and meet with, in a timely lease-up manner, the following organizations -

- Housing Authority of the City of Asheville
- Homeward Bound
- Mountain Housing Opportunity
- Habitat for Humanity
- Thrive Asheville
- The nearest Neighborhood Association
- All churches & businesses within in a half mile
- ABCLT
- OnTrack

Community Development encourages our development partners to outreach and engage with all their neighbors in the immediate vicinity of your build or building purchase.

Post-Award: Compliance & Reporting / Grant Funds

- If the Land Use Incentive Grant is approved by City Council, Grantee shall enter into a Land Use
- Incentive Grant Agreement with the City and also execute and record an Affordable Housing Deed Restriction prior to issuance of a CO.
- Please see Appendix 1 and the bullet points at the end of that spreadsheet for additional guidance, assistance and clarity.
- Verification of income at initial lease-up is required as well as at yearly lease renewal to insure the individual or family remains income qualified based on the latest year's AMI income limits as published by the Department of Housing & Urban Development (HUD) and accepted by the City of Asheville for affordable rents (Appendix 1). If the tenant is allowed to go month to month on their lease, income verification is still required yearly.
- If at renewal the tenant is over the 80% AMI income for that year but under 120% AMI, the City requires that you keep the tenant at the affordable rent until their income is over 120% AMI. The unit will continue to count as an affordable unit. If the tenant is over that 120% AMI income at renewal, they can either stay in their unit with an adjustment to market rent or not renew their lease. The City of Asheville requires that income verification on affordable units for renewal occur 120 days before lease end to allow the tenant additional time should they be over income.

- The same 120% AMI rule is applied to Rental Assistance holders as well. If a tenant no longer has Rental Assistance but is under 120% AMI at lease renewal, they must stay at the affordable rent and the unit will continue to count as an affordable unit.
- When the tenancy of qualified units are terminated and a new affordable unit becomes available, the unit must be leased to income-qualified tenants, with verification of income required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented (Appendix 1).
- Annual rent increases for an affordable unit should not exceed 2.5% and the rent **can not** be more than that current year's allowable rent as published in Appendix 1.
- An affordable unit must be made available within 60 days of its termination of a tenancy.
- An annual report to the City's Community Development Department providing both a complete rent roll, income and household size of income qualified tenants, and unit number correlated to rent roll, is required to continue to establish compliance with the LUIG requirements. An example annual report is in the links below.
- One year before the end of the **LUIG affordability period**, all tenants in the affordable units must be notified of this ending date and how rents will be handled after this date. At the end of the LUIG affordability period, units that are occupied by income qualified tenants must be able to remain in tenancy at the affordable rent until lease renewal. At renewal, the property can voluntarily keep the tenant at the affordable rent if they are income qualified or raise the rent to market rate. If the tenant terminates the lease, the unit no longer has to remain at the affordable rent and can be moved to market rate. **Please Note** that affordability changes can not be made until after the end of the LUIG agreement; i.e. if the LUIG agreement ends in May and a tenant's lease ends the January prior, their affordable lease will be renewed for one year at the affordable rent (or month to month if the tenant agrees) as long as all criteria are met.
- If the Developer and/or Property Management Company would like to extend their LUIG affordability period, add additional affordable units, etc., please reach out to the Community Development Division to begin a conversation as well as learn about other affordable housing tools that may be available.
- If for any reason a tenant in an affordable unit is to be evicted, the property manager / management company must notify the City's Community Development Division within 10 days.
- The City of Asheville may, upon 10 days written notice, inspect the rent roll and household income verification records on site.
- If the project is out of compliance, it will have 30 days to cure the non-compliance.
- If the project remains non-compliance within that time frame, the City may deem the LUIG Agreement null and void and require that all prior grant funds be returned to the City.
- Grant is awarded following demonstrated performance and compliance to CD with the following schedule: tax equivalent grant, one year following the full occupancy and CO of the project and proof of payment of taxes. The funds are to be requested via a letter to the Community Development Division verifying compliance with the program and showing previous City Taxes paid and the Current City Taxes paid post revaluation of "improvements". This will show the "difference" and amount to be granted back. See Example Letter below.
- When converting Market to Affordable, the City would expect that within 2 years the minimum 20% affordable units would be available through natural turnover. The Tax Grant will begin in the year following the minimum affordable units being met and can be requested via a letter to the Community Development Division verifying compliance with the program and showing previous City Taxes paid on the Building value. This figure will be granted back, with the developer still paying full city taxes on the land.

Enforceability

If the Participant defaults in any of the Program Requirements of the Land Use Incentive Grant, or sells, assigns, transfers or conveys all or any part of the Property without notifying the City and submitting a release or transfer request prior to the end of the affordability period terms, then the City, at its option, may without further notice, declare the entire fee grant, together with all interest accrued thereon, immediately due and payable with a 10% per annum penalty until paid. Failure to exercise this option shall not constitute a waiver of the right to exercise the same at any other time.

Authority and Purpose:
This policy is approved pursuant to N.C. Gen. Stat. § 160A-456 and is intended to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville. These public purposes include the following, which are also principal components of the City's annual strategic goals, vision and other adopted plans: 1) the development of affordable and LMI housing. This Policy will serve to encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456. This Policy will also serve to increase the City's population, taxable property and business prospects per N.C. Gen. Stat. § 158-7.1 by encouraging such needed affordable development.

Links (available in printed form or as an attachment upon request)

- Appendix 1
- Draft / Example Application Letter
- Draft / Example Buncombe County Tax Assessment
- Draft / Example Land Use Incentive Grant Agreement & Affordable Housing Deed Restriction
- Draft / Example Property Annual Report
- Draft / Example Staff Assessment LUIG Report
- Draft / Example Developer Letter requesting LUIG

Approved by City Council - June 22, 2021 **Resolution # 21-139**

RESOLUTION NO. 21-140

RESOLUTION TO REVOKE ASHEVILLE RESOLUTION 19-185 AND AUTHORIZE THE CITY MANAGER TO PURCHASE NON-HEALTH- BENEFIT-RELATED INSURANCE POLICIES AND ISSUE PROPERTY CLAIMS-RELATED PAYMENTS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on July 23, 2019, Asheville City Council adopted Resolution 19-185 authorizing the City Manager to purchase non-health-benefit-related insurance policies up to $500,000 per policy and issue property claims-related payments;

WHEREAS, the City of Asheville (City) purchases insurance policies to provide coverage against risk exposures, including but not limited to: excess workers' compensation and liability (general liability, public officials, employee practices, and law enforcement), dam liability, property (vehicles/equipment), crime, cyber, flood, and builder's risk, when necessary; and

WHEREAS, annually, Asheville City Council approves projected insurance premium costs within the City's Workers' Compensation Fund and Property & Liability Fund; and

WHEREAS, the City's Insurance Broker of Record in consultation with the City Risk Manager ensures appropriate insurance policies are obtained from the commercial insurance market and timely renewed to avert lapses in coverage; and

WHEREAS, this resolution authorizes the City Manager to: (1) Purchase non-health-benefit-related insurance policies up to $750,000 per policy; and (2) Pay City property claim-related expenses to repair/replace damaged City assets;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to purchase Property, Casualty, Workers' Compensation and other non-health-benefit-related insurance policies up to $750,000 per policy and issue payments and/or execute property insurance claim-related service contracts to expedite repair and/or replacement of damaged City assets.

Read, approved and adopted this the 27th day of July, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

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RESOLUTION NO. 21-141

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH 120Water INC. FOR PROFESSIONAL SERVICES ASSOCIATED WITH LEAD EDUCATION AND PREVENTION PROGRAM.

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, 120Water was one of three firms selected by staff via a qualifications-based process to perform professional services for Lead Education and Prevention Program; and

WHEREAS, the use of 120Water Inc. will utilize the most qualified firm to ensure timely completion and fulfill compliance with scope of services for the development and implementation of the Lead Education and Prevention Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute an amendment to the 120Water Inc. three-year service contract, for professional services required for the development and implementation of the Lead and Copper Rule Revisions in the amount of $171,920 to bring the total project cost to $663,232.80.

Read, approved, and adopted this 27th day of July 2021.

Magdalen Bruleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk

RESOLUTION NO. 21-142

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDEWALK MAINTENANCE AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE FOR THE CITY TO MAINTAIN A NEW SIDEWALK THAT NCDOT WILL CONSTRUCT ALONG SR 1781 (BROADWAY STREET)

WHEREAS, the NCDOT has developed plans and has the necessary funds to construct a new sidewalk along the south side of SR 1781 (Broadway Street) between US 19-23 (Future I-26) and NC 251 (Riverside Drive); and

WHEREAS, according to NCDOT policy, it is the responsibility of a local government to maintain pedestrian facilities within the public right-of-way for state-maintained streets;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into and execute a sidewalk maintenance agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to construct a sidewalk along SR 1781 (Broadway Street) between US 19-23 (Future I-26) and NC 251 (Riverside Drive).

Read, approved and adopted this the 27th day of July, 2021.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

City Clerk

Magdalen Bullerson
City Clerk

RESOLUTION NO. 21-143

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH J. BARTHOLOMEW CONSTRUCTION, LLC FOR THE PUBLIC WORKS BUILDING A ROOF REPLACEMENT PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Public Works Building A Roof Replacement Project, City of Asheville Project #B2001; and

WHEREAS, the J. BARTHOLOMEW CONSTRUCTION, LLC. of HENDERSONVILLE, NC was the lowest responsible bidder for the project; and

WHEREAS, the J. BARTHOLOMEW CONSTRUCTION, LLC. shall provide all labor, materials, and equipment for the project; and

WHEREAS, the amount of the bid is $496,400, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with J. Bartholomew Construction, LLC. in the amount of $496,400, for the Public Works Building A Roof Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $74,460 (15%).

Read, approved, and adopted this the 27th day of July 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION 21-144

RESOLUTION UPDATING THE FEE REBATE POLICY FOR AFFORDABLE HOUSING DEVELOPMENT ADOPTED BY RESOLUTION NO. 19-244 TO ALLOW APPROVAL OF FEE REBATES AT THE STAFF LEVEL

WHEREAS, pursuant to N.C. Gen. Stat. § 160D-1316, the City of Asheville is authorized to appropriate and expend funds for community development programs and activities, including funds for housing for low and moderate income persons; and

WHEREAS, the Fee Grant Program for Affordable Housing provides incentive grants for the development of affordable housing; and

WHEREAS, the Asheville City Council first adopted an Affordable Housing Fee Rebate Program as part of a broader Land Use Incentive Grant (LUIG) Policy to incentivize the development of affordable housing in March 2011. The Council directed that the LUIG, including Fee Rebates, be reviewed yearly after its adoption. The most recent Fee Rebate Policy was adopted on October 3, 2017 per City Council Resolution No.17-226 and again on October 22, 2019 per City Council Resolution No. 19-244; and

WHEREAS, the Community Development Division and Development Services Department believe Staff can manage, monitor and approve Fee Rebates with their expertise versus the current policy that states committees and Council approve the Fee Rebates; and

WHEREAS, the amount of Fee Rebates is generally low and budgeted on an annual basis based on previous and anticipated use; and

WHEREAS, an updated policy with Fee Rebates being decided on a staff level will save time for staff, committees, Council and the applicant with the goal of more successfully encouraging the development of affordable housing; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby approves the adoption of an updated City of Asheville Fee Rebate Policy for Affordable Housing & Sustainability as shown on Exhibit A, attached hereto and incorporated herein by reference, and this new rebate program shall replace and supersede the prior Fee Rebate Grant adopted by Resolution No. 19-244 and the Council further authorizes the City Manager to take any action necessary to implement this program.

Read, approved and adopted this 27th day of July, 2021.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A

City of Asheville Fee Rebate Policy for Affordable Housing & Sustainability

These policies and procedures were adopted by the Asheville City Council by Resolution # 21-144 on July 27, 2021.

*****

Thank you for your interest in building and maintaining sustainable affordable homes for the households and families in Asheville. If you feel you qualify for a Fee Rebate based on this policy of affordability & sustainability, please submit an Application of Intent to DSD. Please see instructions for this under **Application Procedures**. This application should be submitted prior to or concurrently with the project's initial development application.

Please note that 100% of development fees must be paid upfront at the time of submittal and are rebated upon verification. In addition, this Application of Intent will trigger an **Expedited Review** from the Development Services Department (DSD) as long as the project meets qualifications.

By partnering with the City of Asheville, we hope to assist all developers fulfill their mission as well as ours by keeping Asheville a vibrant, sustainable and affordable place to live. If you should have any questions, or are interested in getting an estimate on savings for building affordable or energy efficient units, please contact:

Ben Woody
Director of Development Services (DSD)
City of Asheville
828.251.5679

FEE REBATES - Affordable Housing

Each qualifying affordable unit based on the requirements below will be eligible to receive a minimum of a 50% rebate of Development Fees. The City of Asheville will provide the grant to be rebated after the affordable unit(s) receives a certificate of occupancy & the income qualified tenant or homeowner occupies the unit and is verified by the City's Community Development Department.

Community Department contact for more information or questions:

Paul D'Angelo
Community Development Program Director
City of Asheville
828.251.4098

Affordable Housing Minimum Requirements to Qualify for 50% grant rebate on the affordable unit

- The proposed development must be within Asheville City limits.
- A rental project must serve individuals and households under 80% AMI for a minimum of 20 years.
- An Ownership project must serve individuals and households making under 80% AMI.
- A project can be either new construction or rehabilitation. The rehabilitation or redevelopment of a unit must be rented or sold serving the same or lower AMI individual or family as the original unit.
- At least 20% of the units (minimum of at least two affordable units) in the development must be affordable to qualify for the grant rebate, either rental or for sale.

In addition to the above, a grant rebate may be up to 75% on the affordable unit if -

- A rental project serves individuals and households under 60% AMI for a minimum of 20 years, or
- An ownership project sells to individuals and households making under 60% AMI, or
- 20% of the units are Universally Designed to make them accessible to all people, regardless of age, disability or other factors. Link here for more information as recommended by the North Carolina Housing Finance Agency (NCHFA).

In addition to the above, a grant rebate may be up to 100% on the affordable unit if -

- Developers offer permanent affordability in rental homes, or
- Developers offer permanent affordability on a for sale product, such as a Community Land Trust, or
- Affordability where at least 20% of the units target individuals & families under 30% AMI or those homeless or in danger of being homeless, i.e. taking an individual or family off the Homeless By-name List.

Area Median Income and Department of Housing & Urban Development (HUD) Resources

- Click here for "Appendix 1" for the Area Median Income (AMI) for the Asheville Metropolitan Area published annually by the Department of Housing & Urban Development
- For a For-sale product, Fee Rebates will be granted for Home prices that are at or below the suggested Department of Housing and Urban Development (HUD) HOME purchase price limit published annually and sold to income qualifying individuals or families. Those limits can be found here.

Eligible Development Fees for Rebate for Affordable Housing:

- Planning and Zoning
- Site Development
- Building Safety (plan review and permit fees)
- Fire
- Water Service Connection

Ineligible Development Fees for Rebate:

- Homeowner Recovery
- Reinspection or Resubmittal
- Technology
- Temporary Certificate of Occupancy
- Western North Carolina Air Quality Agency

Additional Guidance & Underwriting

For Sale Price: The eligibility for for-sale units shall be based on the purchase price of the unit with evidence of a closing statement and verified income eligibility of the buyer pursuant to City underwriting process. Households must have an annual income of 80% AMI or less depending on the Fee Rebate requested to qualify, with household expenses, including mortgage, taxes & insurance, totaling no more than 33% of the total gross household income.

Housing Types: All housing types will be considered, including rental units and homeownership units, condos, townhomes & single family homes. Other housing types may be considered upon request.

Post-Award: Compliance & Reporting

- Verification of income at initial lease-up is required, but no additional verification outside of the annual report is required as long as the qualified tenant remains in residence in the unit.
- An annual report to the City, providing both a complete rent roll, unit #, income and household size of income qualified tenants, is required. The City of Asheville's Community Development Department can assist if needed.
- When leases for qualified units terminate, the units must be leased to income-qualified tenants, with verification of income required, and for a rent that does not exceed the published maximum rent for the year in which the unit is being rented (known as Appendix 1).
- For lease renewals, the rent can not increase by more than 2.5% annually and must remain under that renewal year's current AMI rent guidelines as published in Appendix 1.
- The affordable unit must be made available within 60 days of the termination of the previous tenancy.
- The City of Asheville may, upon 10 days written notice, inspect the rent roll and household income verification records on site.
- If the project is out of compliance, it will have 30 days to cure the non-compliance.
- If the project remains out of compliance after 30 days, then the Fee Grant will become null and void and the previous fee grant funds awarded must be returned to the City within 60 days plus an additional 10%.

FEE GRANTS - Sustainability

The Sustainability Office offers **residential** building permit fee rebates for single family homes only to support a clean and healthy environment for the following:

Sustainability Rebate	Sustainable Action - Single Family Home
$500.00	Sustainability - Green Built Home Certified*
$250	Sustainability -Verified Home Energy Rating Index Score (HERS) of 49 or Below
$100	Sustainability - Energy Star Certified
$175.00	Solar Photovoltaic Systems
$100.00	Tree Protection (save)**
	Energy Savings Tree Plantings (new)***

*Only 1 discount per residential building in the shaded gray areas

**Applicable for at least one existing shade tree on the City's approved recommended species list that is 10" in diameter or larger as measured at DBH (list available upon request), $100 Fee Rebate total, or

***Applicable for at least one newly planted shade tree on the south or west side of the property, that is 2" in diameter or larger at the time of planting and that is on the City's approved recommended species list as a large maturing tree, $100 Fee Rebate total.

Additional / External Fee Rebates

The City of Asheville also offers incentives for affordable housing with our *Land Use Incentive Grant (LUIG)*, as well as access to our *Housing Trust Fund* and *City-owned land*. Please see our Community Development webpage here for more information.

Check with local utilities for consideration of other fees that can be potentially rebated and/or assist your development:

- The Buncombe County Metropolitan Sewerage District (MSD) offers an Affordable Housing Cost Recovery Reimbursement Program with a discount on your MSD fees for each affordable unit. Please contact Paul D'Angelo with the Community Development Department for more information. pdangelo@ashevillenc.gov / 828.251.4098
- Duke Energy Progress offers rebates and custom incentives to increase energy efficiency in your development.

Affordable Housing Fee Rebate Application Procedures

- Applications shall be in the form of a letter written to Ben Woody @ DSD (narrative).
- The application letter should indicate clearly how the project meets the grant eligibility requirements (see ... TO QUALIFY).
- The application letter should clearly indicate who the developer contact person is, and how that person can be contacted.
- The application letter must provide the PIN Number of the property to be developed.

- The application letter must provide an estimated start date for project construction, and an estimated date for project completion and issuance of all occupancy approvals.
- *The application must be accompanied with site plans.*
- Applications should be received at least 15 days before the applicable regularly scheduled Housing and Community Development (HCD) Committee meeting which are held the 3rd Tuesday of each month.
- The applicant should expect the application to be considered in four meetings open to the public: 1) at a regular meeting of the Housing and Community Development Committee; 2: at a regular meeting of the Finance & Human Resources Committee; 3) at a regularly scheduled City Council meeting, when a motion to hold a public hearing will be formally considered; 4) at a regularly scheduled City Council meeting when the public hearing will be heard, and the grant request will be formally considered by Council. Approval of a Fee Rebate Grant under this Policy requires a public hearing and approval by the City Council.
- Unless granted an exemption from the City Council for just cause shown, no new or updated Fee Rebate application, i.e. no Grant, will be allowed under this Policy for projects which have already received building permits.
- City staff will determine during your application if your project is eligible for fee rebates. Rebates are available on a first come first serve basis and determined based on the available budget. City Staff will issue your Fee Rebates upon final approval.
- If approved, City staff will prepare a Fee Rebate Agreement, to be reviewed by the City Attorney's Office, which will detail the specific terms of the grant, including, but not limited to:
    - An estimated grant amount, based upon the estimated Fee Rebates to be received and the Council approved Fee Grant. The actual grant amount will be derived from the percentage of qualified rebate and final fee totals.
    - The number of units that must be provided at affordable rental rates and the duration of time of affordability. (Affordability Agreement)
    - Monitoring criteria and provisions/penalties for non-compliance.

Fee Waivers

Certain Fees eligible for rebates as described above, may be waived upfront on a case by case basis based on a developer's affordable housing experience and demonstrated financial need of the project upon approval by City Council. Utility related fees cannot be waived. Additionally, in order to be eligible for a fee waiver, the developer must have a contractual obligation with the City to provide affordable housing (i.e. an affordable housing loan agreement with the City or some other type of agreement).

Fee Grant Availability

The city budgets **annually** for the affordable housing fee rebate program and for the sustainability fee rebate program. These programs are managed based on budget availability and City Council strategic goals. DSD will communicate upon contact the amount still available in the program.

Enforceability

If the Participant defaults in any of the Program Requirements of the Fee Grant Program, or, sells, assigns, transfers or conveys all or any part of the Property without notifying the City and submitting a release or transfer request prior to the end of the affordability period terms, then the City, at its option, may without further notice, declare the entire fee grant, together with all interest accrued thereon,

immediately due and payable with a 10% per annum penalty until paid. Failure to exercise this option shall not constitute a waiver of the right to exercise the same at any other time.

Authority and Purpose

This policy is approved pursuant to N.C. Gen. Stat. § 160A-456 and is intended to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville. These public purposes include the following, which are also principal components of the City's annual strategic goals, vision and other adopted plans: 1) the development of affordable and workforce housing. This Policy will serve to, among other things, encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-456.

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RESOLUTION NO. 21- 145

RESOLUTION TO RATIFY THE EXECUTION OF A SERIES OF CONTRACT AMENDMENTS TO SUPPORT NON-CONGREGATE EMERGENCY SHELTER AT LOCAL HOTELS FOR PEOPLE EXPERIENCING HOMELESSNESS

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the Five P Mountain, LLC has agreed to provide motel rooms to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness at a cost not to exceed $919,168; and

WHEREAS, the ATL Hospitality, LLC has agreed to provide motel rooms to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness at a cost not to exceed $200,050; and

WHEREAS, Sunrise Community for Wellness and Recovery has agreed to provide supportive services to persons experiencing homelessness for this initiative at a cost not to exceed $331,841; and

WHEREAS, Pursuant to the Asheville City Council Rules of Procedure, the City Council is authorized to ratify agreements previously executed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby ratifies the execution by the City Manager of the agreements, change orders, and contract amendments with the entities listed above for this purpose within the adopted budget ordinance for this initiative and authorizes the City Manager to execute any documents necessary to give effect to this resolution.

Read, approved, and adopted this 27th day of July, 2021.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-146

RESOLUTION AUTHORIZING RECEIPT OF AMERICAN RESCUE PLAN (ARPA) FUNDING AND DELEGATE RESPONSIBILITY TO EXECUTE ANY NECESSARY AGREEMENTS RELATED TO ARPA FUNDING TO THE CITY MANAGER

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, the City is eligible for $26.2 million in funding from the American Rescue Plan Act (ARPA); and

WHEREAS, the City is required to formally accept ARPA funds and only utilize those funds for purposes authorized by the American Rescue Plan Act, and applicable regulations, and by state law; and

WHEREAS, the City must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for ARPA funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City does hereby accept ARPA funding and designates and directs the City Manager to take all actions necessary on behalf of council to receive the ARPA funds.

Read, approved and adopted this 27nd day of July, 2021.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-147

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXECUTED DESIGN-BUILD CONTRACT WITH WPLAW, FOUNTAIN DIVISION, INC. FOR THE PACK SQUARE PARK SPLASHEVILLE FOUNTAIN RESTORATION PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-128.1A, the City passed resolution No.16-45 establishing criteria for determining when the design build method is appropriate. This criteria was described and approved for the Pack Square Park Splashville Fountain restoration project, City of Asheville; and

WHEREAS, the WPLAW, Inc., shall provide all design, labor, materials, and equipment for the project; and

WHEREAS, the amount of the amendment is $23,440, and funding for the project is allocated within the Parks and Recreation General Fund budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment to the executed design-build contract with WPLaw Incorporated, in the amount of $23,440 for the Pack Square Park SPLASHEVILLE Fountain Restoration Project. The total design build contract amount is not to exceed $285,075.

Read, approved, and adopted this the 27th day of July 2021.

Magdalen Bowlerson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 21-148

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL CONTRACT WITH TERMINIX

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the renewal of annual contract for general pest control for various City of Asheville buildings; and

WHEREAS, the Terminix of Asheville, NC was the lowest responsible bidder for the project; and

WHEREAS, the Terminix of Asheville shall provide all labor, materials, and equipment for the general pest control in various City of Asheville buildings; and

WHEREAS, the annual amount of the contract is $20,229.30, and funding for the project is allocated within the Facility Maintenance operating fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a renewal contract with Terminix of Asheville for general pest control for various City Buildings in the amount of $20,229.30. Total 5 year contract amount would equal $97,500.

Read, approved, and adopted this the 27th day of July 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 21-149

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GLEESON BUILDERS, LLC. FOR THE BROADWAY PUBLIC SAFETY STATION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Broadway Public Safety Station, City of Asheville Project #F1401; and

WHEREAS, the Gleeson Builders, LLC of Charlotte, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, the Gleeson Builders, LLC shall provide all labor, materials, and equipment for the construction of the Broadway Public Safety Station as required by the contract documents; and

WHEREAS, the amount of the bid is $10,984,000, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Gleeson Builders, LLC. in the amount of $10,984,000, for the Broadway Public Safety Station; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 8% ($878,720).

Read, approved, and adopted this the 27th day of July, 2021.

Magdalen Bullock
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-150

RESOLUTION INCREASING THE MEMBERSHIP OF THE ASHEVILLE HOUSING AUTHORITY FROM FIVE TO SEVEN COMMISSIONERS

WHEREAS, on May 30, 1940, The City Council approved a resolution determining that there was a need within the city for a Housing Authority, and requesting the Mayor to appoint an initial board of five commissioners; and

WHEREAS, on June 11, 1940, the original Certificate of Appointment was filed with the City Clerk recognizing the appointment of the initial five commissioners of the Asheville Housing Authority; and

WHEREAS, pursuant to North Carolina General Statute § 157-5(c), the City Council is authorized to increase or decrease the membership of the Housing Authority board of commissioners in accordance with the limitations prescribed by this Chapter of the State Statutes; and

WHEREAS, City Council now wishes to increase the number of commissioners of the Asheville Housing Authority from five to seven; and

WHEREAS, City Council believes that this change will enhance the Authority's ability to perform its duty of providing safe and sanitary dwelling accommodations for persons of low income;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The number of commissioners for the Asheville Housing Authority is hereby increased from five to seven, and the initial terms of the new commissioners shall be designated by the Mayor at the time of appointment. These initial terms shall be not less than one nor more than five years. Thereafter, the term lengths shall be consistent with that of the remaining board members.

Read, approved and adopted this 27th day of July, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 21-151

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH VAUGHN AND MELTON CONSULTING ENGINEERS, INC. FOR THE DESIGN OF SLIDE REPAIRS FOR VANCE GAP ROAD.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. §143-129, response were solicited for the design of slide repairs for Vance Gap Road; and

WHEREAS, the Vaughn and Melton Consulting Engineers of Asheville, NC was the highest scoring submitting firm; and

WHEREAS, Vaughn and Melton Consulting Engineers shall provide plans, specifications and estimates sufficient to bid a repair contract;

WHEREAS, the amount of the proposal is $286,060.50, and funding for the project is allocated within the General Capital Projects Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized Manager to execute a contract with Vaughn and Melton Consulting Engineers, Inc. in the amount of $286,060.50 for the Vance Gap Road Slide Repairs contract.

Read, approved, and adopted this the 27th day of July 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-152

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GREEN BUILT ALLIANCE TO IMPLEMENT AND MANAGE THE BLUE HORIZONS PROJECT AND BLUE HORIZONS PROJECT COMMUNITY COUNCIL

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Blue Horizons Project will engage our community to provide cost effective services, programs, and new products they value through investment in clean renewable ways to power Western North Carolina; and

WHEREAS, City residents and businesses will have a greater ability to participate in the Blue Horizons Project through the Blue Horizons Project Community Council and seize the opportunity to use renewable energy and participate in energy efficiency and demand side management programs to increase the City's resilience;

WHEREAS, on January 28, 2020 through Resolution 20-18 City Council dissolved the joint City-County Energy Innovation Task Force and replaced it with the Blue Horizons Project Community Council which will be implemented and managed by a local non-profit to be select by an RFP process; and

WHEREAS, on January 28, 2020 through Resolution 20-19 City Council authorized an interlocal agreement with Buncombe County to issue a joint request for proposals ("RFP") for a local non-profit organization to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council; and

WHEREAS, the RFP was advertised by Buncombe County on May 6, 2020 and only one response was received, the one from Green Built Alliance.

WHEREAS, the City and County contracted with Green Built Alliance in fiscal year 2021 to implement the Blue Horizons Project but are required to renew annually based on budget availability.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with the Green Built Alliance in the amount of $100,000 to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

Read, approved, and adopted this the 27th day of July 2021.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 21- 153

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION REIMBURSEMENT AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION (NCDOT)

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-17.1, the City of Asheville is authorized to make contracts for and accept grants in aid and loans from federal and state governments and their agencies for constructing, expanding, monitoring and operating any project or facility or performing any function, which such city may be authorized by law to provide or perform; and

WHEREAS, both the City of Asheville Water Resources Department and NCDOT plans to make infrastructure improvements within the same sections of Patton Ave; and

WHEREAS, for the purpose of construction coordination and efficiencies, the City of Asheville Water Resources Department wishes to enter into a Construction Reimbursement Agreement with NCDOT, which allows the water main work to be performed as part of the NCDOT's construction project and with their assistance; and

WHEREAS, the funding needed for this agreement is currently allocated within the NCDOT Project in the Water Resources Capital Improvement Projects Fund;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a Construction Reimbursement Agreement with the North Carolina Department of Transportation (NCDOT) for the estimated amount of $150,446.23.

Read, approved, and adopted this 27th day of July 2021.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-154

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE FY21 FEDERAL TRANSIT ADMINISTRATION "AREAS OF PERSISTENT POVERTY GRANT PROGRAM" FOR THE PURPOSE OF COMPLETING A COMMUNITY ENGAGEMENT AND PLANNING PROCESS FOR THE FUTURE TRANSIT CENTER EXPANSION AND MIXED-USE DEVELOPMENT OF 50 ASHELAND AVENUE (AKA THE TALBERT LOT)

WHEREAS; the City is authorized to make contracts for and to accept grants from the federal and state governments and their agencies for constructing, expanding, maintaining, and operating any project or performing any function which the City may be authorized by law to provide or perform; and

WHEREAS; the Federal Transit Administration (FTA) issued a Notice of Funding Opportunity for the "Areas of Persistent Poverty" grant program which seeks to provide funding for projects that help lift communities out of poverty by supporting transit service improvements in underserved communities; and

WHEREAS; the FTA's Areas of Persistent Poverty Program supports "planning, engineering and technical studies or financial planning to improve transit services in any areas experiencing long-term economic distress..."; and

WHEREAS; the City of Asheville recently purchased real property at 50 Asheland Avenue for the purpose of "(1) planning, designing, and constructing a new and/or expanded downtown transit center...in conjunction with (2) a larger mixed-use development to include affordable housing, and (3) to advance racial equity in the development of the property, constructing the improvements, and defining the uses (such as potential partnerships with community land trust(s), community spaces, a "Purpose Built Community" type structure around intention, etc.); and

WHEREAS; the grant funding, if awarded, will provide funding for the City and community to conduct the necessary comprehensive and targeted community engagement to develop a vision, program of uses, and concept design for the future development of 50 Asheland Avenue in accordance with the direction set by Council when the property was purchased; and

WHEREAS; if the grant is awarded, agreements will be executed between the City of Asheville and the Federal Transit Administration, and required matching funds will be budgeted, prior to receipt of the grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT

The City Manager is authorized to submit an application for the FY21 Federal Transit Administration "Areas of Persistent Poverty Grant Program" in the amount of $850,000 (including a 10% match), for the purpose of completing a community engagement and planning process for the future Transit Center expansion and mixed-use development of 50 Asheland Avenue (aka the Talbert Lot); and if awarded, to accept the funds and sign all of the necessary agreements.

Read, approved and adopted this the 27th day of July, 2021.

Magdalen Bullion
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

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RESOLUTION NO. 21-155

RESOLUTION AUTHORIZING A SOLE SOURCE JUSTIFICATION PURCHASE OF EQUIPMENT FROM MOTOROLA SOLUTIONS, INC. FOR MACH ALERT SERVERS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO SERVICE CONTRACT, WITH THE SAME, FOR OPERATION AND MAINTENANCE OF THE SYSTEM AND EQUIPMENT.

WHEREAS, N.C.G.S. 143-129 sets forth the requirements for the letting of public contracts including purchases of apparatus, supplies, materials, or equipment; and

WHEREAS, N.C.G.S. 143-123(e) sets forth exceptions to the requirements of the subject general statute when a needed product is available from a sole source of supply; and

WHEREAS, the City has contracted with MOTOROLA SOLUTIONS, INC. since 2016 for Mach Alert Servers currently being utilized by the emergency dispatch system for Asheville Fire Rescue; and

WHEREAS, in order to keep standardization or compatibility of existing emergency dispatching system in use by Asheville Fire and Rescue the purchase of equipment from Motorola for Mach Alert Servers is necessary;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A sole source justification for the purchase of equipment and materials from Motorola Solutions, Inc. for Mach Alert Servers is approved and the City Manager is hereby authorized to enter into a contract for services, with the same, for operation and maintenance of the system and equipment.

Read, approved, and adopted this the 27th day of July 2021.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION 21-156

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER SYSTEM REVENUE BONDS AND CERTAIN RELATED MATTERS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the *"Act"*), to issue, subject to the approval of the Local Government Commission of North Carolina (the *"LGC"*), at one time or from time to time revenue bonds of the City for the purposes as specified in the Act; and

WHEREAS, the City has previously issued a City of Asheville, North Carolina Water System Revenue Bond Anticipation Note, Series 2018 (the *"Bond Anticipation Note"*) in an aggregate principal amount not to exceed $40,000,000 to finance the costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the water system owned by the City;

WHEREAS, the City Council is considering the issuance of the City's Water System Revenue Bonds (the *"Bonds"*) in an aggregate principal amount not to exceed $40,500,000 under a General Trust Indenture dated as of December 1, 2005 between the City and The Bank of New York Trust Company, N.A., now known as The Bank of New York Mellon Trust Company, N.A., as trustee, (the *"Trustee"*) (the *"General Indenture"*) and Series Indenture, Number 5 (the *"Series Indenture"*) between the City and the Trustee, to refund the Bond Anticipation Note and to pay the costs of issuing the Bonds;

WHEREAS, the City Council wants to approve the retention of the financing team for the Bonds, including (A) Parker Poe Adams & Bernstein LLP, as bond counsel; (B) DEC Associates, Inc., as the financial advisor; (C) The Bank of New York Mellon Trust Company, N.A., as trustee, paying agent and registrar for the Bonds; (D) BoA Securities, Inc., as underwriter of the Bonds (the *"Underwriter"*), and (E) Raftelis Financial Consultants, Inc., as feasibility consultant, and authorize and approve the retention of such other professionals as the Chief Financial Officer of the City determines may be necessary to carry out the financing contemplated in this Resolution (collectively, the "*Financing Team*");

WHEREAS, the City Council wants the Chief Financial Officer of the City, or his designee, to file with the LGC an application for its approval of the Bonds, on a form prescribed by the LGC, and (1) request in such application that the LGC approve (a) the negotiation of the sale of the Bonds to the Underwriter and (b) the City's use of the Financing Team and (2) state in such application such facts and to attach thereto such exhibits in regard to the Bonds and to the City and its financial condition, as may be required by the LGC, and to take all other action necessary to the issuance of the Bonds;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. The Bonds are to be issued by the City for the purpose of providing funds (1) to refund the Bond Anticipation Note and (2) to pay the costs of issuing the Bonds all as set out in the documents attached to the City's application to the Commission. The use of the proceeds of the Bonds, as described, is necessary in order to fix the long-term interest cost of the City related to the projects financed from the proceeds of the Bond Anticipation Note. The principal of, premium, if any, and interest on the Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture and the Series Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the Bonds, and no holder of Bonds will have the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 2. The Chief Financial Officer of the City, or his designee, with advice from the City Attorney and bond counsel, is hereby authorized, directed and designated to file an application with the LGC for its approval of the issuance of the Bonds. The Financing Team for the Bonds is hereby ratified and approved.

Section 3. The City Council finds and determines and asks the LGC to find and determine from the City's application and supporting documentation:

(a) that the issuance of the Bonds is necessary or expedient;
(b) that the not to exceed stated principal amount of the Bonds will be sufficient but is not excessive, to refinance the Bond Anticipation Note;
(c) that the City's water system as now constituted is feasible;
(d) that the City's debt management procedure and policies are good; and
(e) that the Bonds can be marketed at a reasonable interest cost to the City.

Section 4. The City Council requests that the LGC sell the Bonds at private sale without advertisement to the Underwriter at such prices as the LGC determines to be in the best interest of the City, but at a true interest cost not exceeding 5.00%.

Section 5. The Mayor, the City Manager, the Chief Financial Officer, the Treasurer, the City Clerk, including anyone serving as such in an interim capacity, and their respective designees (the *"Authorized Officers"*), are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to complete the steps necessary for the issuance of the Bonds. All acts and doings of the Authorized Officers that are in conformity with the purposes and intents of this Resolution and in the furtherance of the issuance of the Bonds shall be, and the same hereby are, in all respects approved and confirmed. Any provision in this Resolution that authorizes more than one officer of the City to take certain actions shall be read to permit such officers to take the authorized actions either individually or collectively.

Section 6. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 7. This Resolution is effective on its adoption.

Read, approved and adopted this 27th day of July, 2021.

Magdalen Bourleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21-157

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE TO ESTABLISH A HOMEOWNER GRANT PROGRAM

WHEREAS, pursuant to N.C. Gen. Stat. § 160D-1311, the City of Asheville and Buncombe County (the "Parties") are "authorized to engage in, to accept federal and State grants and loans for, and to appropriate and expend funds for community development programs ... for the restoration or preservation of older neighborhoods or properties" and programs "concerned with employment, economic development, crime prevention, child care, health, drug abuse, education, and welfare needs of persons of low and moderate income; and

WHEREAS, the City are authorized to execute and enter into this Interlocal Agreement pursuant to N.C. Gen. Stat. § 160A-461; and

WHEREAS, the Parties mutually wish to partner to develop an economic public assistance program designed to assist homeowners of low and moderate income as defined by homeowners earning 80% of Area Median Income (AMI) or less to assist with the basic life necessities and welfare needs of persons of low and moderate income, and a draft Interlocal Agreement is attached hereto; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

That the City Manager is hereby authorized to execute the attached Interlocal Agreement for the purposes associated with operations of an economic public assistance program designed to assist homeowners of low and moderate income.

Read, approved and adopted this 27nd day of July, 2021.

Magdalen Bowerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

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STATE OF NORTH CAROLINA **COUNTY OF BUNCOMBE**

INTER-LOCAL AGREEMENT BETWEEN
THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE
TO ESTABLISH A HOMEOWNER GRANT PROGRAM

This Agreement is entered into effective July 27, 2021 by and between the COUNTY OF BUNCOMBE, a body politic and corporate, organized and existing under the laws of the State ofNorth Carolina (hereinafter referred to as "County") and the CITY OF ASHEVILLE, a municipal corporation of the State of North Carolina (hereinafter referred to as "City"). Collectively hereinafter referred to as "Party" or "Parties".

WITNESSETH:

WHEREAS, the Parties find that there is a lack of affordable housing in both the City and the County caused by factors such as gentrification, low housing stock, and low area median income; and

WHEREAS, this lack of affordable housing contributes to the increase of property values and creates a situation wherein the costs necessary for homeowners to retain a residence can outpace homeowners' income growth; and

WHEREAS, these pressures disproportionately impact homeowners of low to moderate income and older neighborhoods or properties and has a negative impact on disadvantaged populations; and

WHEREAS, the parties have worked together to develop an economic public assistance program designed to assist homeowners of low and moderate income as defined by homeowners earning 80% of Area Median Income (AMI) or less to assist with basic life necessities and welfare needs of persons of low and moderate income; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160D-1311, the Parties are "authorized to engage in, to accept federal and State grants and loans for; and to appropriate and expend funds for community development programs ... for the restoration or preservation of older neighborhoods or properties" and programs "concerned with employment, economic development, crime prevention, child care, health, drug abuse, education, and welfare needs of persons of low and moderate income;" and

WHEREAS, the City and the County negotiated this Agreement for the public purposes of providing for the public health, safety, and welfare to the citizens of the City and the County; and

WHEREAS, the City and the County agree to be mutually accountable to carry out this agreement; and

WHEREAS, pursuant to N.C. General Statute 160A-461, the City and County may enter into agreements in order to execute a governmental undertaking; and

WHEREAS, City and County mutually wish to partner on this initiative and find that, under the terms of this Agreement, it is in the best interests of both parties and that the undertaking will benefit the public; and

WHEREAS, the City and County desire to set forth the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises made in this Agreement and the mutual reliance placed by each party on the responsibilities of the other, and such other considerations as the Parties agree are good and sufficient, it is agreed as follows:

1. Description: subject to approval by the City Manager or their designee (hereinafter the City Manager) and the County Manager or their designee (hereinafter the "County Manager") (hereinafter collectively referred to as the "Managers"), the Parties agree to create a joint Homeowner Grant Program (hereinafter the "Program"). The Program shall generally be structured as follows:

Funding

a. The County has included $300,000 (Three Hundred Thousand Dollars) in its Fiscal Year 2021-22 Budget for the Program.

b. The City has included $150,000 (One Hundred and Fifty Thousand Dollars) in its Fiscal Year 2021-22 Budget for the Program.

c. Any grants awarded under the Program shall be funded as follows:

   i. A maximum of $300.00 from funds contributed by the County

   ii. A maximum of $200.00 from funds contributed by the City

d. City Funding shall only be available to eligible grantees whose qualifying property is located within the Asheville City Limits

Grantee Qualifications

e. In order to qualify for the Program, Grantees must own the property:

   i. Have lived on the property for which they are seeking Program assistance for at least five years as their primary residence.

   ii. Earn less than 80% of AMI as a household.

f. Grantees are not eligible for duplicate benefits

Use of Program Funds by Grantees

g. Grantees may, at their option, choose to have funds granted to them by the Program applied to their property tax bill and/or paid and applied to other housing related obligations such as housing costs, taxes, mortgage or insurance.

Authority of Managers

h. The Managers are given broad authority, by and with the consent of their respective legal counsels, to mutually alter the structure of the Program and its requirements in any way that is consistent with the spirit and intent of this Agreement and the respective budgetary procedures of the Parties.

2. Payment: Each Party shall be responsible for allocating the agreed upon funds for the Program. The County shall be responsible for paying any grants awarded by the Program. The County shall thereafter invoice the City quarterly for its share of any grants awarded by the Program. The City Agrees to pay such Invoices in a timely manner up to the amount allocated.

3. Term/Renewal/Termination: The term of this Agreement shall begin on the day and year first above written, and shall terminate on June 30, 2022. This Agreement may be terminated by either party for convenience at any time for any or no reason upon thirty (30) days written notice.

4. Remedy to Return Agreement to Compliance: In the event that a remedy is necessary for either party to ensure that the terms of this Agreement are realized, the Parties agree to meet and agree to an Action Plan that describes action to be taken by each party to bring the Agreement into compliance.

5. Indemnification and Hold Harmless for Third-Party Claims

The City agrees, to the extent permitted by North Carolina law, toindemnify and hold harmless the County and their officers, agents and employees from any third party claims arising from negligent acts or omissions of the County employees and/or County in connection with the performance pursuant to thisAgreement.

The County agrees, to the extent permitted by North Carolina law, to indemnify, defend, and hold harmless the City and their officers, agents and employees from anythird party claims arising from negligent acts or omissions of the City employees and/or City in connection with the performance pursuant to this Agreement.

6. Insurance:

The City is self-insured for general liability and maintains excess general liability coverage up to $15,000,000 per occurrence: Including coverage for bodily injury and property damage. In addition, the City is self-insured for workers' compensation and maintains excess workers' compensation coverage per statutory requirement and carries $1,000,000 of employer's liability insurance. Further, this provision shall specifically include auto liability as County employees may be directed bythe City to operate City vehicles as Permissive Users.

The County is self-insured for general liability up to $500,000 and maintains excess general liability coverage up to $7,000,000 per occurrence: Including coverage for bodily injury and property damage. In addition, the County is self-insured for workers' compensation and maintains excess workers' compensation coverage per statutory requirement and carries $1,000,000 of employer's liability insurance. Further, this provision shall specifically include

auto liability as City employees may be directed by theCounty to operate County vehicles as Permissive Users.

(a) Maintaining the types and amounts of insurance or self-insurance specified in this paragraph is a material obligation of the City and County.

(b) The City and County shall comply at all times with all lawful terms and conditions of each of its insurance policies and all lawful requirements of its insurer.

(c) The City and County shall each demonstrate compliance with the requirements of this paragraph by submitting Certificates of Insurance to each other upon request.

(d) Nothing in this Agreement is intended to affect or abrogate either Party's governmental immunity.

7. Required Reporting: When this agreement is fully executed each party shall ensure compliance with all applicable Federal, State, and local government regulations, respectively.

8. Amendments: This Agreement constitutes the entire Agreement between the Parties. This Agreement may be amended, supplemented or modified only by duly executed written instruments as an amendment to this agreement.

9. Compliance with Laws: Each party shall comply with all state, federal, or local laws, or ordinances, codes, rules or regulations governing performance of this Agreement.

10. Assignability: This agreement is not assignable by either party without the prior written consent of the other party.

11. Budgetary Limitations: Nothing stated in this Agreement shall be construed as requiring either party to make any budgetary appropriations.

12. Non-Discrimination: In accordance with State and Federal laws, each party shall not discriminate against any person on the basis of sex, national origin, race, ethnic background, color, religion, age or disability in its program activities related to this Agreement.

13. E-Verify Employer Compliance: Employers and their subcontractors with 25 or more employees as defined in Article 2 of Chapter 64 of the NC General Statutes must comply with E-Verify requirements to contract with governmental units. E-Verify is a Federal program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law. E-verify can be accessed via this link: http://www.uscis.gov/e- verify/employers.

14. Governing Law: This Agreement is entered into in North Carolina and shall be construed under the statutes and laws of North Carolina.

15. Severability: Should any provision or provisions contained in this agreement be declared by a court of competent jurisdiction to be void, unenforceable or illegal, such provision or provisionsshall be severable and the remaining provisions hereof shall remain in full force

and effect.

16. Notices: In the event either party hereunder desires or is required to provide any notice to the other party, the party desiring or requiring to provide such notice shall provide it in writing, byemail to the other party at the address listed below:

The City:

Buncombe County

17. Both parties agree that this contract shall follow the requirements under 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix II.

NOW THEREFORE, the parties hereby make, agree, and execute this Agreement by the below signatures of duly authorized officials or agents.

CITY OF ASHEVILLE

Debra Campbell, City Manager

7/27/2021
Date

BUNCOMBE COUNTY

Avril M. Pinder, County Manager

7/26/2021
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

City of Asheville Chief Financial Officer

Date: 7/27/21

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

County of Buncombe Chief Financial Officer

Date: 07/26/2021

RESOLUTION NO. 21-158

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND APPROVE PAYMENT FOR THE PURCHASE OF AN EASEMENT ACROSS THE PROPERTY OF 1296 AND 1340 PATTON AVE (PARCELS 7 & 8)

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Park Terrace Properties, LLC (67%) and R&T Enterprises, Inc, (33%) hereinafter the Property Owners, are the owners of properties located 1296 -1340 Patton Ave being identified with PINs as follows: 9628-96-1547 and 9628-97-3037; and

WHEREAS, the City of Asheville, hereinafter City, has requested a Permanent Easements containing approximately 19,207.8 square feet or 0.441 acres and a Temporary Construction Easement containing approximately 9,499.2 square feet or 0.218 acres over a portion of said properties; and

WHEREAS, the proposed waterline easements will be required to construct the proposed Water System Distribution Project 2 – Patton Ave Water Distribution Project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to accept and sign a permanent easement over a portion of property located at 1296 -1340 Patton Ave being identified with PINs as follows: 9628-96-1547 and 9628-97-3037 with Park Terrace Properties, LLC (67%) and R&T Enterprises, Inc, (33%).

Read, approved, and adopted this 27nd day of July 2021.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

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RESOLUTION NO. 21-159

RESOLUTION ADOPTING THE 2021 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council will hold a worksession on the American Rescue Plan Act summary plan at 2:30 p.m. on August 24, 2021, at Harrah's Cherokee Center - Asheville, located at 87 Haywood Street, Asheville, North Carolina.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 27th day of July, 2021.

Magdalen Bulleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-160

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY LOCATED AT 155 THOMPSON STREET

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes, the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation; and

WHEREAS, City Council on the 8th day of June, 2021, adopted a Resolution of Intent to permanently close a portion of unopened right-of-way located at 155 Thompson Street, and ordered a public hearing on the question of the closing for the 27th day of July, 2021, at its regular meeting;

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right-of-way located at 155 Thompson Street; and

WHEREAS, the City Council held a public hearing on the closure on July 27, 2021, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby permanently closes a portion of the unopened right-of-way located at 155 Thompson Street, described as:

Permanent closure of the end of Thompson Street that was temporarily closed by Resolution 80-210 recorded in Deed Book 1259 page 180 (11-14-1980).

That portion of Thompson Street lying within the City of Asheville temporary closing as shown in Resolution No. 80-210 recorded in Deed Book 1259 page 180 (11-14-1980) which fronts Lots 15 through 19 as shown on a plat of Koon Industrial Development recorded in Plat Book 10, page 47, Buncombe County Registry, and also being the Northwesternmost 267.37 feet thereof and more particularly described as beginning at a point in the eastern margin of Thompson Street and the southwest corner of said Lot 15; thence with the fronts of Lots 15 through 19 North 22°16'37" East 267.37 feet to a point in the northern margin of Lot 19; thence across the end of Thompson Street South 81°59'37" West 32.45 feet; thence South 36°59'37" West 41.56 feet to the western margin of Thompson Street; thence with the western margin of Thompson Street South 21°58'37" West 210.81 feet; thence leaving said margin and across Thompson Street South 67°43'23" East 37.48 feet to the point of beginning.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 27th day of July, 2021.

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Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-161

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR A DEVELOPMENT LOCATED AT 66 LONG SHOALS (MILLSTONE MANAGEMENT)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160D-1316 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat.§ 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160D-1316, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the Millstone Management / 66 Longs Shoals development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy criteria adopted by the City Council, the Millstone Management development located near Biltmore Park will be a 86 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose in that it will provide 17 units of moderate income housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 80% of the area median income), and accept housing choice vouchers / rental assistance for 10% of the affordable housing units (9 units), and the proposed project is located within .25 mile of a ½ hour transit stop served by an existing sidewalk, near an Urban Center, within 1 mile from job or urban center, within a .5 mile from a Transportation Amenity, will achieve Energy Star Certification with Solar Panels and Building in a NON-Qualified Census Tract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby approves a Land Use Incentive Agreement to Millstone Management to support the development of the project at 66 Long Shoals Road. The estimated annual land use incentive grant would be the difference between the current annual City tax ($6,605) and the estimated post-completion annual City tax currently estimated to be $58,504. The City would allow an estimated annual grant of $51,899. The grant is approved for a period of 16 years with the total grant value estimated at $830,384. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 27th day of July, 2021.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

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RESOLUTION NO. 21-162

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY CITY OWNED REAL PROPERTY LOCATED AT 99999 LUFTY AVENUE AND 99999 WEST CHESTNUT STREET TO THE ASHEVILLE BUNCOMBE COMMUNITY LAND TRUST SUBJECT TO SPECIFIC AFFORDABLE HOUSING DEED RESTRICTIONS

WHEREAS, the City of Asheville owns vacant real property located at 99999 Lufty Avenue (identified as PIN # 963832068800000) and 99999 West Chestnut Street (identified as PIN # 964923430200000) ; and

WHEREAS, N.C. Gen. Stat. Sec. 160A-279 authorizes the City to convey by private sale an interest the City has in real property to an entity carrying out a public purpose; and

WHEREAS, N. C. Gen. Stat. Sec. 160A-267, requires City Council, when proposing to dispose of an interest in real property by private sale, to adopt a resolution or order authorizing the disposal at a regular council meeting; and

WHEREAS, Asheville Buncombe Community Land Trust has agreed to purchase each property for the price of $1.00 and subject to affordable housing deed restrictions in perpetuity;

WHEREAS, each parcel is to be specifically restricted at conveyance to be used to develop a single-family home which will be affordable to and sold to families with incomes below 60% of area median income, adjusted for family size;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to execute documents and convey to the Asheville Buncombe Community Land Trust by private sale the City's interest in the real property located on located at 99999 Lufty Avenue (PIN #963832068800000) and 99999 West Chestnut Street (PIN #964923430200000), upon the approval of the City Attorney, and subject to permanent affordable housing deed restrictions;

2. The City Clerk is hereby authorized to publish a notice summarizing the contents of this resolution once after its adoption in a newspaper of general circulation within the City, and no sale shall be consummated hereunder until 10 days after publication of such notice.

In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and in compliance with applicable North Carolina law.

Read, approved and adopted this the 27th day of July, 2021.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-163

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A GRANT AGREEMENT WITH HOMEWARD BOUND IN THE AMOUNT OF $2 MILLION I IN SUPPORT OF THE ACQUISTION OF THE DAYS INN FOR PERMANENT SUPPORTIVE HOUSING

WHEREAS, pursuant to NCGS 160D-1311, the City is authorized to expend funds for community development programs and activities; and

WHEREAS, the City and region continue to face a serious current and projected shortage of affordable housing; and

WHEREAS, City Council approved a Letter of Support for the acquisition of the Days Inn Motel on Tunnel Road to be redeveloped into 85 units of Permanent Supportive Housing, assisting homeless individuals and families below 30% Area Median Income (AMI) and committing key funding for the initial phase of redevelopment - Acquisition -in an amount not to exceed $2 million; and

WHEREAS, the grant of City funds will be conditional upon closing of the property; and

WHEREAS, the redevelopment of the Days Inn property will replace the existing 128 room motel with 85 units of permanent supportive housing, an intervention that combines affordable housing assistance with voluntary support services to address the needs of chronically homeless people, and is a proven solution to homelessness for the most vulnerable chronically homeless people by pairing housing with case management and supportive services; and

WHEREAS, all 85 units will have deep subsidies, serving families well below 30% of AMI;

WHEREAS, the total development costs of the Project are estimated to be approximately $13.5 Million and the project will be funded through a variety of sources, for both acquisition and rehabilitation, with acquisition sources identified below; and

Funding Source - Acquisition	**Amount**
City of Asheville	**$2,000,000**
Dogwood Health Trust	$2,000,000
Buncombe County	$2,000,000
Private Donor	$500,000
TOTAL	$6,500,000

WHEREAS, City grant funds will be granted directly to Homeward Bound at closing specifically for acquisition only; and

WHEREAS, City Staff has identified a funding source that supports this $2 million funding request in a fiscally responsible manner and sourced from the following funds:

American Rescue Plan Act (ARPA)	$2,000,000
TOTAL	$2,000,000; and

WHEREAS, the disbursement of funds to Homeward Bound shall be administered in accordance with the following schedule, and upon City's receipt of proof of Purchase Agreement and Closing date & time: $2,000,000 within 3 days of closing (projected closing date: August 14, 2021); and

WHEREAS, City Staff recommends that the $2 million in key funding for the acquisition phase of the development be granted based on: 1) the important public benefit of Permanent Supportive Housing to the community and to the lives of the chronically homeless in our community; 2) the creation of housing units that are targeted to special needs and underserved populations who will greatly benefit from this project; 3) the low subsidy per unit to assist very-low Area Median Income (AMI) families, $23,529 per unit; 3) the guarantee by Homeward Bound of permanent affordability; 4) case management, agency staff, community partners and Homeward Bound's headquarters will be located directly on site to deliver on-site supportive services directly to residents; 5) the importance of this redevelopment as a critical strategy in ending chronic homelessness and a key component of the Continuum of Care, providing an exit from homelessness to housing for people with the most complex needs; and 6) the importance of this redevelopment to the future success of the 85 individuals and families to be housed, and the unique 30 plus year relationship between the City of Asheville and Homeward Bound;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville hereby authorizes the City Manager to negotiate and enter into a grant agreement with the Homeward Bound for $2 million in City funding in support of the acquisition of the Days Inn on Tunnel Road in accordance with the terms and conditions stated herein.

Read, approved and adopted the 27th day of July, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-164

RESOLUTION APPOINTING A MEMBER TO THE MOUNTAIN COMMUNITY CAPITAL OPERATING FUND

WHEREAS, Lynn Smith, as a member of the Mountain Community Capital Operating Fund, resigned, thus leaving an unexpired term until April 1, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Carl Alguire is hereby appointed as a member to the Mountain Community Capital Operating Fund, to serve the unexpired term of Lynn Smith, term to expire April 1, 2023, or until Carl Alguire's successor has been duly appointed.

Read, approved and adopted this 27th day of July, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-165

RESOLUTION APPOINTING MEMBERS TO THE CITIZENS-POLICE ADVISORY COMMITTEE

WHEREAS, the terms of Michael Hayes (west representative) and Karl Katterjohn (east representative), as members on the Citizens-Police Advisory Committee, expired on June 30, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Michael Hayes is hereby reappointed as the west representative to the Citizens-Police Advisory Committee, to serve an additional three-year term, term to expire June 30, 2024, or until Michael Hayes' successor has been duly appointed.

Karl Katterjohn is hereby reappointed as the east representative to the Citizens-Police Advisory Committee, to serve an additional three-year term, term to expire June 30, 2024, or until Karl Katterjohn's successor has been duly appointed.

Read, approved and adopted this 27th day of July, 2021.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-166

RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, the term of Spencer Hardaway (representing 28803 or 28704 zip code) expired on July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Bobbette Mays (currently serving in at-large seat) is hereby appointed as the 28803 or 28704 representative on the Neighborhood Advisory Committee, to serve a three-year term, term to expire July 1, 2024, or until Bobette Mays' successor has been appointed.

S. Elizabeth Likis-Werle is hereby appointed to serve the unexpired at-large term of Ms. Mays, term to expire July 1, 2022, or until S. Elizabeth Likis-Werle's successor has been appointed.

Read, approved and adopted this 27th day of July, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-167.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPALACHIAN SITEWORK INC. FOR SULPHUR SPRINGS RD STORMWATER IMPROVEMENTS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Sulphur Springs Road Stormwater Improvements Project, City of Asheville Project #SW-2015-009; and

WHEREAS, Appalachian Sitework Inc. was the lowest responsive, responsible bidder for the Project; and

WHEREAS, Appalachian Sitework Inc shall provide all labor, materials and equipment for the stormwater improvements and all its associated items; and

WHEREAS, the amount of the bid is $990,022.00 and the monies have been budgeted in the Stormwater Capital Fund and General Obligation Bond Fund; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's ABI Office representative with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute on behalf of the City of Asheville a contract in the amount of $990,022.00 with Appalachian Sitework Inc and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $198.004.40 (20%) for a total budget of $1,188,026.40 for the Sulphur Springs Road Stormwater Improvements Project.

Read, approved, and adopted on this the 24th day of August, 2021.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION 21- 168

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FY2021 ARP ACT (SECTION 5307) GRANT FUNDS, AND TO SIGN ALL APPROPRIATE AGREEMENTS WITH THE FEDERAL TRANSIT ADMINISTRATION (FTA), FEDERAL AND STATE AGENCIES, EXECUTE SUBRECIPIENT AGREEMENTS, AND TO AMEND THE FISCAL YEAR 2022 TRANSIT OPERATIONS BUDGET TO INCLUDE THE ARP ACT REVENUE

WHEREAS, pursuant to N.C.G.S.§ 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, the Federal Transit Administration (FTA), has announced Notice for Supplemental FY 2021 5307 under the American Rescue Plan (ARP) Act for funding transit operations and capital projects that help transit systems to prevent, prepare for, and respond to COVID-19; and

WHEREAS, the French Broad River Metropolitan Planning Organization Board has reviewed the recommendations provided by the current recipients of Section 5307 FTA Urban Transit Formula funds including the City of Asheville, Buncombe County, Haywood County, and Henderson County, who convened and discussed ARP Act funding on May 3, 2021; and

WHEREAS, the 5307 Urban Transit Formula funding made available to the Asheville UZA through the CARES Act will be distributed to subrecipients via sub-recipient agreements, based on the Adopted French Broad River MPO 5307 Suballocation Formula on May 27, 2021, without a 10% set aside for regional Job Access Reverse Commute Activities; and

WHEREAS, the FTA will reimburse grant applicants for up to 100% of operating and capital cost of projects implemented with the ARP Act funding; and

WHEREAS, there is no local match required under the ARP Act funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT;

City Council adopts a resolution authorizing the City Manager to adopt a resolution authorizing the City Manager to apply for the FY 2021 ARP Act (Section 5307) grant funds and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies; execute subrecipient agreements, and amend the FY 2022 Transit Multi-Year Fund (6510) budget to include the ARP Act revenue.

Read, approved, and adopted this 24th day of August 2021.

Magdalen Bowleson
City Clerk

Edwin C. Mayor
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-169

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTERING INTO A THREE YEAR MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE WESTERN NORTH CAROLINA NATURE AND ADDITIONALLY TO ACCEPT A DONATION THIS YEAR FROM THE FRIENDS

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A- 20.1, the City of Asheville may enter in agreements with not for profit entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the Friends of the Western North Carolina Nature Center ("Friends") is a 501(c)(3) non-profit corporation with a purpose to support the WNC Nature Center with resources to provide and enriching and educational experience for Nature Center visitors; and

WHEREAS, The Friends of the WNC Nature Center has had a 40 year partnership with the WNC Nature Center; and

WHEREAS, The Friends of the WNC Nature Center has raised over $3 million in capital for enhancements to the Nature Center since 2015 and wished to continue this support; and

WHEREAS, the City and Friends have entered into Memorandums of Understanding ("MOUs") since 2005 regarding fundraising efforts by the Friends and the respective responsibilities of the parties; and

WHEREAS, the last MOU with the Friends ended in 2019 and the City and Friends now wish to enter into a new three year MOU in which the Friends agrees to commit at least $100,000 annually for use by the Nature Center upon mutually agreeable terms; and

WHEREAS, the Friends would additionally at this time like to donate, and the City would like to accept, $100,000 to be placed in an account for use by the Nature Center to make site repairs and improvements in FY 21/22;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to enter into a three year Memorandum of Understanding with the Friends of the Western North Carolina Nature Center, to accept a donation in the amount of $100,000 from the Friends for the purposes stated above, and to execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this the 24th day of August, 2021.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21-170

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JLS COMPANY, LLC. FOR THE SHILOH LOWER PARKING LOT PAVING PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the Shiloh Lower Parking Lot Paving project, City of Asheville Project R2004; and

WHEREAS, the JLS Company, LLC of Skyland, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, the JLS Company, LLC shall provide all labor, materials, and equipment for the replacement of the lower parking lot at the Shiloh Recreation Center; and

WHEREAS, the amount of the bid is $98,105.13, and funding for the project is allocated within the Parks and Recreation Capital Improvement Funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with JLS Company, LLC., for $98,105.13, for the Shiloh Lower Parking Lot Paving project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $14,715.75 (15%).

Read, approved, and adopted this the 24th day of August 2021.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-171

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND CLIMBMAX INC. ON CITY-OWNED PROPERTY AT 43 WALL STREET

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for such terms and conditions as the council sees fit, for periods of up to 10 years; and

WHEREAS, the City of Asheville is the owner of real property located on Wall Street, identified as PIN #9649-20-9249-00000; and

WHEREAS, the City of Asheville would like to extend a new lease to Climbmax Inc. to lease a portion of the lower level of the parking garage for a one year term with two (2) three (3) year renewals: and

WHEREAS, the rental for the leased premises will be $1,490.91 per month with an escalation rate of 3% to be applied at the beginning of each new year:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between the City of Asheville and Climbmax, Inc. for a portion of the land at 43 Wall Street, PIN Inc.#9649-20-9249-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 24th day of August 2021.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION 21-172

BOND ORDER AUTHORIZING THE ISSUANCE OF WATER SYSTEM REVENUE REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the *"Act"*) to issue, subject to the approval of the Local Government Commission of North Carolina (the *"LGC"*), at one time or from time to time, revenue bonds and revenue refunding bonds of the City for the purposes as specified in the Act;

WHEREAS, the City has previously issued a City of Asheville, North Carolina Water System Revenue Bond Anticipation Note, Series 2018 (the *"Bond Anticipation Note"*) in an aggregate principal amount not to exceed $40,000,000 to finance the costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the water system owned by the City;

WHEREAS, the City has determined to issue its Water System Revenue Refunding Bonds, Series 2021 (the *"2021 Bonds"*) to provide funds to (1) refund the Bond Anticipation Note and (2) pay the costs of issuing the 2021 Bonds;

WHEREAS, the City will issue the 2021 Bonds under the General Trust Indenture dated as of December 1, 2005 (the "*General Indenture*"), between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*"), as previously amended, and Series Indenture, Number 5, dated as of September 1, 2021 (the *"Series Indenture"*), between the City and the Trustee;

WHEREAS, the City and the LGC have arranged for the sale of the 2021 Bonds to BoA Securities, Inc. (the *"Underwriter"*), under the terms of a Bond Purchase Agreement to be dated on or about September 16, 2021 (the *"Purchase Agreement"*);

WHEREAS, an application has been filed with the LGC requesting approval of the 2021 Bonds as required by the Act;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. In order to raise the money required to refund the Bond Anticipation Note and to pay the costs of issuance of the 2021 Bonds, in addition to any funds which may be made available for such purpose from any other source, the 2021 Bonds are hereby authorized and shall be issued pursuant to the Act.

Section 2. The aggregate principal amount of the 2021 Bonds authorized by this order shall not exceed $40,500,000. The 2021 Bonds hereby authorized shall be special obligations of the City, secured by and paid solely from the proceeds thereof or from revenues, income, receipts and other money received or accrued by or on behalf of the City from or in connection with the operation of the City's Water System (as defined in the General Indenture).

Section 3. The issuance of the 2021 Bonds by the City, in substantially the form to be set forth in the Series Indenture, be and the same hereby is in all respects approved and confirmed. The form and content of the 2021 Bonds and the provisions of the Series Indenture with respect to the 2021 Bonds (including without limitation the maturity dates and rates of interest) shall be approved and confirmed in a resolution of the City Council.

The principal of, premium, if any, and interest on the 2021 Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, purchase price or interest on the 2021 Bonds, and no holder of the 2021 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 4. The 2021 Bonds are to be sold to the Underwriter under the terms of the Purchase Agreement, as shall be approved in a resolution of the City Council.

Section 5. The proceeds from the sale of the 2021 Bonds are to be deposited in accordance with the Series Indenture.

Section 6. If any one or more of the agreements or provisions herein contained is held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or for any reason whatsoever is held invalid, then such covenants, agreements or provisions are null and void and are to be deemed separable from the remaining agreements and provisions and in no way affect the validity of any of the other agreements and provisions hereof or of the 2021 Bonds authorized hereunder.

Section 7. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. This Bond Order is effective immediately on its adoption and pursuant to §159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any procedural requirements governing the adoption of ordinances or resolutions by the City Council other than the procedures set out in the Act.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bouleson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION 21-173

RESOLUTION OF THE CITY OF ASHEVILLE, NORTH CAROLINA, PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF WATER SYSTEM REVENUE REFUNDING BONDS

WHEREAS, the City of Asheville, North Carolina (the *"City"*) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the *"Act"*) to issue, subject to the approval of the Local Government Commission of North Carolina (the *"LGC"*), at one time or from time to time, revenue bonds and revenue refunding bonds of the City for the purposes as specified in the Act;

WHEREAS, the City has previously issued a City of Asheville, North Carolina Water System Revenue Bond Anticipation Note, Series 2018 (the *"Bond Anticipation Note"*) in an aggregate principal amount not to exceed $40,000,000 to finance the costs of extensions, additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment for the water system owned by the City;

WHEREAS, the City has determined to issue its Water System Revenue Refunding Bonds, Series 2021 (the *"2021 Bonds"*) to provide funds to (1) refund the Bond Anticipation Note and (2) pay the costs of issuing the 2021 Bonds;

WHEREAS, the City will issue the 2021 Bonds under the General Trust Indenture dated as of December 1, 2005 (the "*General Indenture*"), between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "*Trustee*"), as previously amended, and Series Indenture, Number 5, dated as of September 1, 2021 (the *"Series Indenture"*), between the City and the Trustee;

WHEREAS, the City and the LGC have arranged for the sale of the 2021 Bonds to BoA Securities, Inc. (the *"Underwriter"*), under the terms of a Bond Purchase Agreement to be dated on or about September 16, 2021 (the *"Purchase Agreement"*);

WHEREAS, copies of the forms of the following documents relating to the transactions described above have been filed with the City:

1. the General Indenture;

2. the Series Indenture;

3. the Purchase Agreement; and

4. a Preliminary Official Statement (the "*Preliminary Official Statement*") with respect to the 2021 Bonds, which after the inclusion of certain pricing and other information will become the final Official Statement (the *"Official Statement"*) relating to the 2021 Bonds; and

5. a 2021 Bond in the form set forth in the Series Indenture;

WHEREAS, the City has determined it is in its best interest to amend the General Indenture to modernize and clarify its provisions and provide appropriate operating flexibility of the water system in the future (the *"Amended and Restated General Indenture"*) and the City intends to seek the consent of the owners of not less than a majority in aggregate principal amount of the Bonds Outstanding (as defined in the General Indenture) required under the General Indenture in order to execute and deliver amendments to the General Indenture for certain purposes provided therein and in accordance with the terms and conditions thereof as previously approved by the City Council;

WHEREAS, the City Council desires to authorize and approve the City's execution, delivery and entering into the Amended and Restated General Trust Indenture, a form of which is on file with the City, if and when the City obtains the requisite consent of the owners of not less than a majority in aggregate principal amount of the Bonds Outstanding in accordance with terms and conditions of the General Indenture without need for further City Council authorization, approval or action;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA DOES RESOLVE AS FOLLOWS:

Section 1. The 2021 Bonds are to be issued by the City for the purpose of providing funds (a) to refund the Bond Anticipation Note and (b) to pay the costs of issuing the 2021 Bonds. The use of the proceeds of the 2021 Bonds to refund the Bond Anticipation Note, as described above, is necessary in order to fix the long-term interest cost of the City related to the projects financed from the proceeds of the Bond Anticipation Note.

Section 2. The issuance of the 2021 Bonds by the City in the principal amount not to exceed $40,500,000, in substantially the form and content set forth in the Series Indenture, subject to appropriate insertions and revisions in order to comply with the provisions of the General Indenture and the Series Indenture, be and the same hereby are in all respects approved and confirmed, and the form and content of the 2021 Bonds set forth in the Series Indenture be and the same hereby are in all respects approved and confirmed, and the provisions of the General Indenture and the Series Indenture with respect to the 2021 Bonds (including without limitation the maturity dates and rates of interest to be inserted in the Series Indenture) be and the same hereby are approved and confirmed and are incorporated herein by reference.

The 2021 Bonds shall be special obligations of the City. The principal of, premium, if any, and interest on the 2021 Bonds shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture and the Series Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the 2021 Bonds, and no holder of 2021 Bonds has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 3. That the form and content of the Series Indenture and the exhibits thereto be and the same hereby are in all respects approved and confirmed, and the Mayor, the City Manager, the Chief Financial Officer and City Clerk of the City, or their respective designees, individually or collectively (the *"Authorized Officers"*), be and they hereby are authorized, empowered and directed to execute and deliver the Series Indenture for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to them seem necessary, desirable or appropriate, their execution thereof to

constitute conclusive evidence of their approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Series Indenture, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the General Indenture and the Series Indenture as executed. The Trustee is hereby appointed as Registrar and Paying Agent thereunder.

Section 4. That the 2021 Bonds shall be sold to the Underwriter pursuant to the terms of the Purchase Agreement. The form and content of the Purchase Agreement are in all respects approved and confirmed, and the Authorized Officers are hereby authorized, empowered and directed to execute and deliver the Purchase Agreement for and on behalf of the City, including necessary counterparts, in substantially the form and content presented to the City, but with such changes, modifications, additions or deletions therein as shall to him or her seem necessary, desirable or appropriate, his or her execution thereof to constitute conclusive evidence of his or her approval of any and all such changes, modifications, additions or deletions therein, and that from and after the execution and delivery of the Purchase Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Purchase Agreement as executed.

Section 5. The form, terms and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of it by the Underwriter, in connection with the sale of the 2021 Bonds is hereby in all respects authorized, approved and confirmed. The use of the final Official Statement, in substantially the form of the Preliminary Official Statement, by the Underwriter in connection with the sale of the 2021 Bonds is hereby in all respects authorized, approved and confirmed. The Mayor, the City Manager or Chief Financial Officer of the City is authorized to execute the Official Statement, if necessary, on behalf of the City.

Section 6. The City Manager or the Chief Financial Officer of the City, or their respective designee, is hereby authorized to execute a no-arbitrage certificate in order to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations promulgated thereunder.

Section 7. No stipulation, obligation or agreement herein contained or contained in the 2021 Bonds, the General Indenture, the Series Indenture, the Purchase Agreement, or any other instrument related to the issuance of the 2021 Bonds shall be deemed to be a stipulation, obligation or agreement of any officer, agent or employee of the City in his or her individual capacity, and no such officer, agent or employee shall be personally liable on the 2021 Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 8. The Authorized Officers are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution, the General Indenture, the Series Indenture, and the Purchase Agreement (collectively, the *"Instruments"*), except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of the Instruments, any agreement to which the City is bound, any rule or regulation of the City or any applicable law, statute, ordinance, rule or regulation of the United States of America or the State of North Carolina.

Section 9. The Authorized Officers are authorized, empowered and directed to execute, deliver and enter into the Amended and Restated General Trust Indenture for and on behalf of the City if and

when the City obtains the requisite consent of the owners of not less than a majority in aggregate principal amount of the Bonds Outstanding in accordance with the terms and conditions of the General Indenture without need for further City Council authorization, approval or action. The Authorized Officers are further authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to obtain the aforementioned requisite consent and execute, deliver and enter into the Amended and Restated General Trust Indenture.

Section 10. All acts and doings of the Authorized Officers that are in conformity with the purposes and intent of this Resolution and in the furtherance of the issuance of the 2021 Bonds and the execution, delivery and performance of the Instruments shall be, and the same hereby are, in all respects authorized, approved and confirmed.

Section 11. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions may be null and void and deemed separable from the remaining agreements and provisions and in no way affect the validity of any of the other agreements and provisions hereof or of the 2021 Bonds authorized hereunder.

Section 12. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 13. This Resolution shall take effect upon its adoption.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bullerson
City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 21-174

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH MATTERN AND CRAIG FOR THE BUNDLE B SIDEWALK PROJECTS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, a request for qualifications was solicited for the project known as Bond Sidewalk Bundle B Design, City of Asheville Contract #91800177; and

WHEREAS,Mattern & Craig Inc, of Asheville, NC was the best qualified consulting firm responding to the RFQ, and

WHEREAS, the existing contract includes easement acquisition services as an optional service, to be provided at costs outside the design contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract amendment with Mattern & Craig Inc, of Asheville, NC in the amount of $191,510 plus a contingency of $19,151 (10%), for a total of $210,661, for the Bond Sidewalk Bundle B Design.

Read, approved and adopted this the 24th day of August, 2021.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-175

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HARRISON CONSTRUCTION COMPANY FOR THE SUMMER 2021 ASPHALT PRESERVATION CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Summer 2021 Asphalt Preservation contract; and

WHEREAS, Harrison Construction Company of Asheville, NC was the lowest responsible bidder for the project; and

WHEREAS, the Harrison Construction Company shall provide all labor, materials, and equipment for the Summer 2021 Asphalt Preservation contract; and

WHEREAS, the amount of the bid is $628,485.10, and funding for the project is savings from previous paving contracts;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Harrison Construction Company in the amount of $628,485.10, for the Summer 2021 Asphalt Preservation contract; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $94,272.76 (15%).

Read, approved and adopted this the 24th day of August, 2021.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21- 176

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEAF DOWNTOWN AVL ON THE DATES OF AUGUST 27, 2021 FROM 3:00 PM - 10:00 PM, AND AUGUST 28, 2021 FROM 9:00 AM - 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at LEAF Downtown AVL.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the LEAF Downtown AVL event area, as set forth in Exhibit A, attached.

   The LEAF Downtown AVL event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, South Pack Square between the intersections of North Pack Square and Court Plaza, South Market Street between College Street and Court Plaza, Spruce Street between the intersections of College Street and Court Plaza, and the Court Plaza Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for LEAF Downtown AVL on Friday, August 27, 2021, from 3:00 p.m. - 10:00 p.m. and Saturday, August 28, 2021, from 9:00 a.m. - 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or

unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the LEAF Downtown AVL event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the LEAF Downtown AVL event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the LEAF Downtown AVL, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bowerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

EXHIBIT A

Alcohol Area

RESOLUTION NO. 21- 177

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL ON THE DATES OF SEPTEMBER 3, 2021 FROM 5:00 PM - 10:00 PM, SEPTEMBER 4, 2021 FROM 10:00 AM - 10:00 PM, AND SEPTEMBER 5, 2021 FROM 12:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival and Section 11-20 of the Asheville City Code permits the sale of malt beverages and unfortified wine on Sunday mornings beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Goombay Festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Goombay Festival event area, as set forth in Exhibit A, attached.

   The Goombay Festival event area is within the boundaries of the Roger McGuire Green, Reuter Terrace, Raised Lawn, South Pack Square between the intersections of North Pack Square and Court Plaza, South Market Street between College Street and Court Plaza, Spruce Street between the intersections of College Street and Court Plaza, and the Court Plaza Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Goombay Festival Friday, September 3, 2021 from 5:00 p.m. - 10:00 p.m., Saturday, September 4, 2021 from 10:00 a.m. - 10:00 p.m. and Sunday, September 5, 2021, from 12:00 p.m - 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or

unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Goombay Festival event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Goombay Festival event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Goombay Festival, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A

Alcohol Area

RESOLUTION NO. 21- 178

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP ON THE DATE OF SEPTEMBER 5, 2021, FROM 12:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival and Section 11-20 of the Asheville City Code permits the sale of malt beverages and unfortified wine on Sunday mornings beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Beer City Cup.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Beer City Cup event area, as set forth in Exhibit A, attached.

   The Beer City Cup event area is within the boundaries of the John B. Lewis Soccer Complex at Azalea Park, located at 395 Azalea Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Beer City Cup on Sunday, September 5, 2021, from 12:00 p.m. - 10:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Beer City Cup event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Beer City Cup event area, or elsewhere

in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Beer City Cup, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bowlesson
City Clerk

Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

EXHIBIT A

Alcohol Area

RESOLUTION NO. 21- 179

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT SYMPHONY IN THE PARK ON THE DATES OF SEPTEMBER 19 AND 20, 2021, FROM 7:00 PM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival and Section 11-20 of the Asheville City Code permits the sale of malt beverages and unfortified wine on Sunday mornings beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Symphony in the Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

5. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Symphony in the Park event area, as set forth in Exhibit A, attached.

   The Symphony in the Park event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

6. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Symphony in the Park on Sunday, September 19 and Monday, September 20, 2021, from 7:00 p.m. – 10:00 p.m.

7. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is

not permitted anywhere in the Symphony in the Park event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Symphony in the Park event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

8. The location of the Symphony in the Park, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Burleson
City Clerk

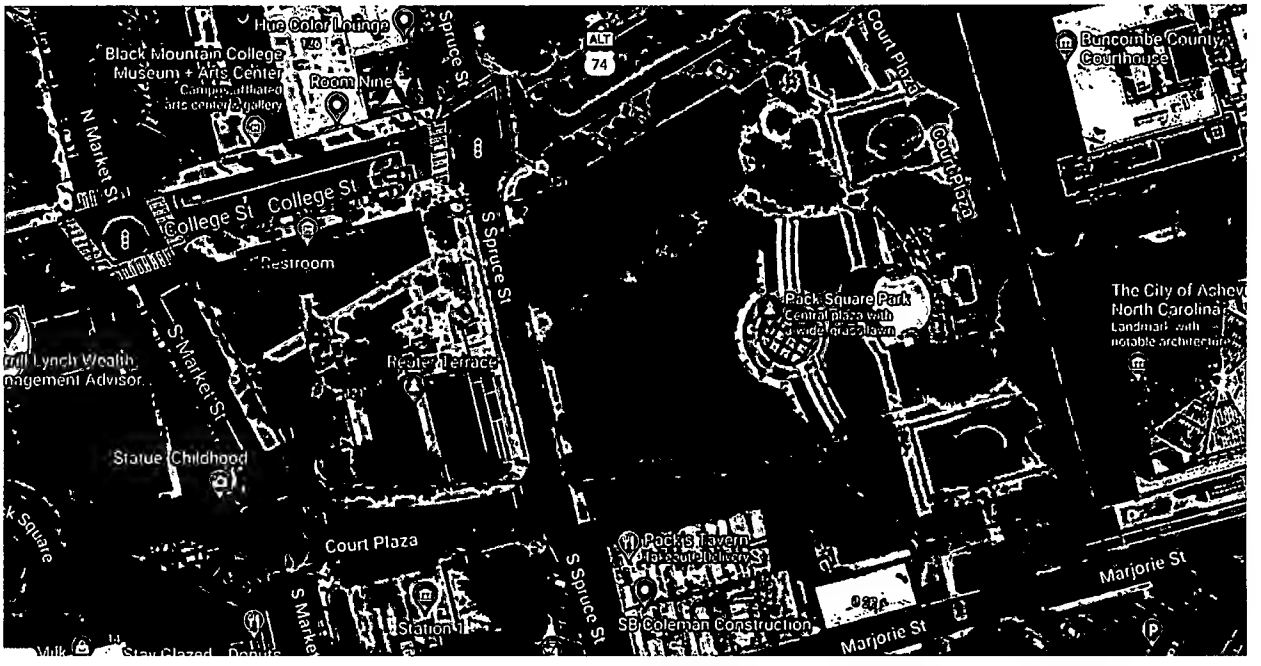
Esther Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 21- 180

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST ON THE DATE OF OCTOBER 2, 2021, FROM 2:00 PM – 6:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Asheville Oktoberfest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Asheville Oktoberfest event area, as set forth in Exhibit A, attached.

   The Asheville Oktoberfest event area is within the boundaries of the Roger McGuire Green at Pack Square Park, Spruce Street between the intersections of Court Plaza and College Street and the Court Plaza Parking Lot.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for Asheville Oktoberfest on Saturday, October 2, 2021, from 2:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Asheville Oktoberfest event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Asheville Oktoberfest event

area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Asheville Oktoberfest, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bourleson
City Clerk

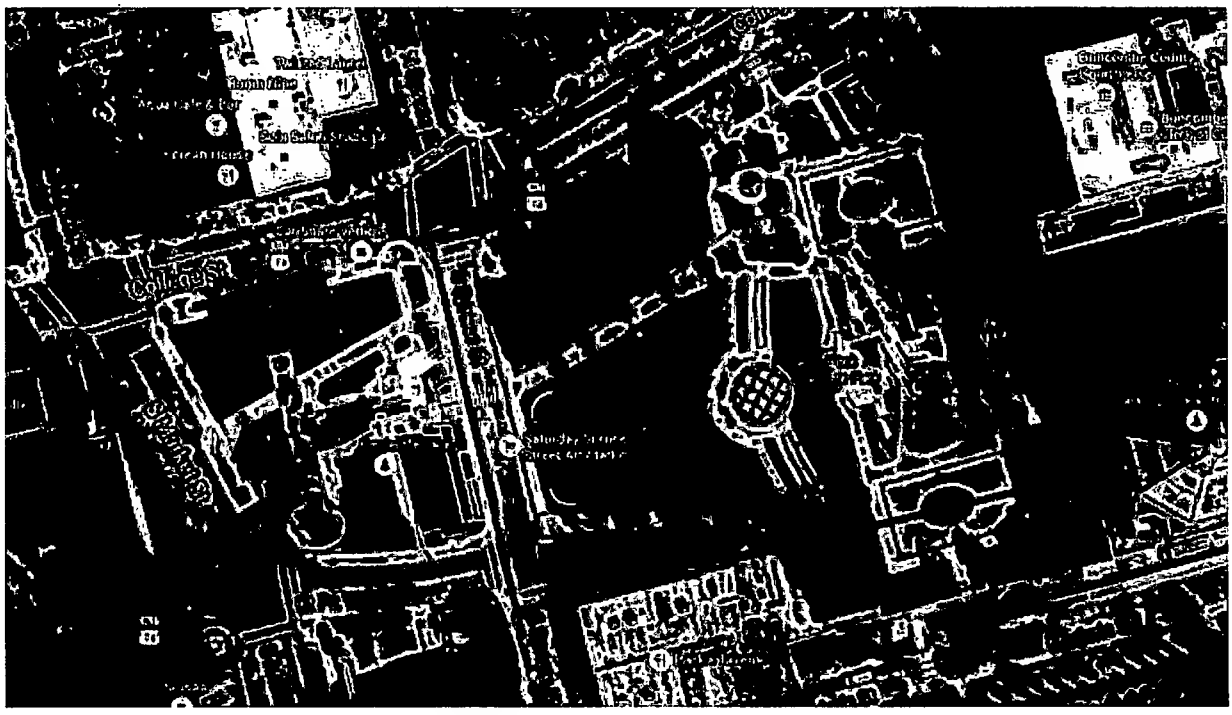
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

EXHIBIT A



Alcohol Area

RESOLUTION NO. 21- 181

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LIBERTY STREET BLOCK PARTY ON THE DATE OF OCTOBER 2, 2021, FROM 5:00 PM – 10:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Liberty Street Block Party.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Liberty Street Block Party event area, as set forth in Exhibit A, attached.

   The Liberty Street Block Party event area is within the boundaries of South Liberty Street between the intersections of Chestnut Street and Merrimon Place.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Liberty Street Block Party on Saturday, October 2, 2021, from 2:00 p.m. – 6:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Liberty Street Block Party event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Liberty Street Block

Party event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Liberty Street Block Party, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

346

EXHIBIT A

Alcohol Area

RESOLUTION NO. 21- 182

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE WICKED HALLOWEEN 5K AND FUN RUN ON THE DATE OF OCTOBER 16, 2021, FROM 10:00 AM – 4:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at the Wicked Halloween 5K and Fun Run.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Wicked Halloween 5K and Fun Run event area, as set forth in Exhibit A, attached.

   The Wicked Halloween 5K and Fun Run event area is within the boundaries of Carrier Park, located at 220 Amboy Road.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Wicked Halloween 5K and Fun Run on Saturday, October 16, 2021, from 10:00 a.m. – 4:00 p.m.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Wicked Halloween 5K and Fun Run event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Wicked Halloween 5K

and Fun Run event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of the Wicked Halloween 5K and Fun Run, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bowlson
City Clerk

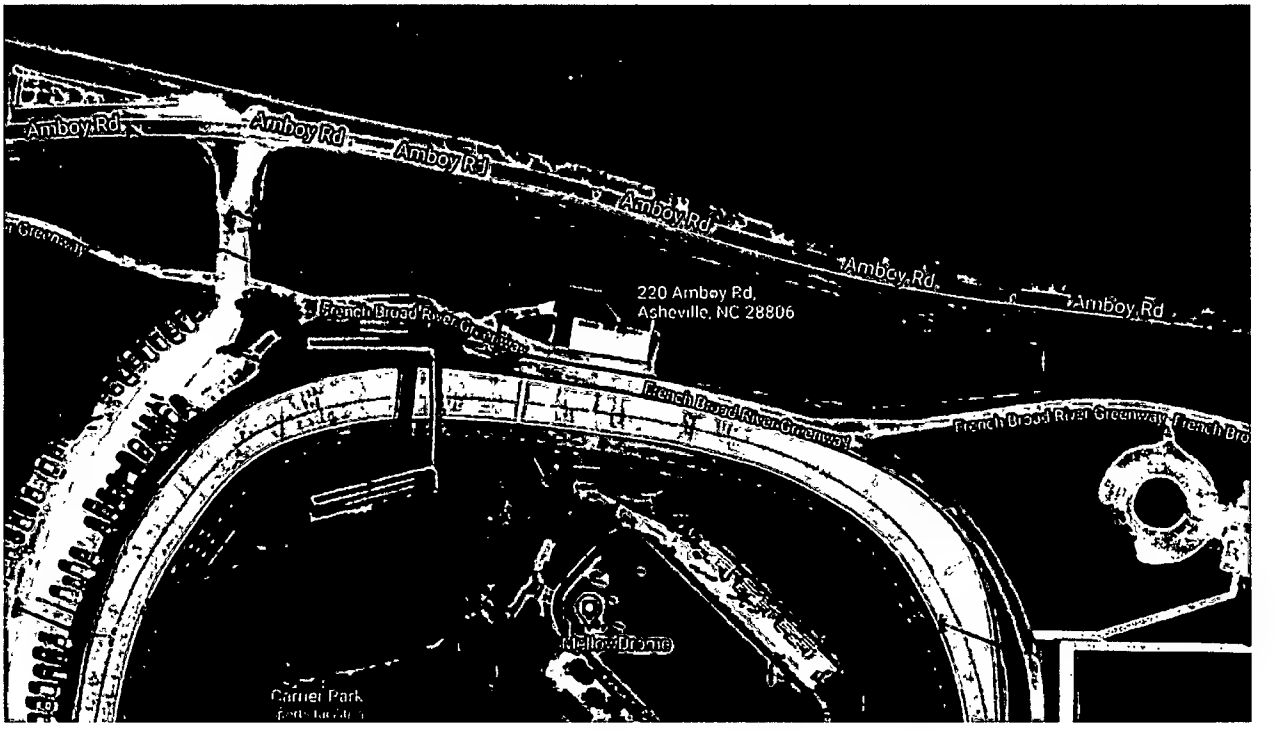
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

EXHIBIT A



Alcohol Area

350.

RESOLUTION NO. 21-183

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH DAIKIN APPLIED AMERICAS INC. FOR CHILLER SERVICE AT HARRAH'S CHEROKEE CENTER ASHEVILLE FOR A PERIOD OF ONE ADDITIONAL YEAR

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City of Asheville is currently under contract with Daikin Applied Americas for the HCCA Chiller Service Agreement; and

WHEREAS, the City of Asheville desires to amend the above-referenced contract to extend the contract term for an additional one-year and increase the contract amount by an additional $26,722.00 ; and

WHEREAS, funding for said work is included in the current fiscal budget of the Harrah's Cherokee Center Division;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the contract for chiller service at Harrah's Cherokee Center Asheville with Daikin Applied Americas Inc. to extend the contract for a period of one year and to increase the contract amount, with a maximum amount not to exceed $128,634.00.

Read, approved, and adopted this 24th day of August, 2021.

Magdalen Bowerson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowerson
City Clerk

RESOLUTION NO. 21-184

RESOLUTION AUTHORIZING RECEIPT OF SHUTTERED VENUE OPERATORS (SVO) GRANT FUNDING AND DELEGATE RESPONSIBILITY TO EXECUTE ANY NECESSARY AGREEMENTS RELATED TO SVO GRANT FUNDED TO THE CITY MANAGER

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, the City is eligible for $1,627,336.57 in funding from the Shuttered Venue Operators (AVO) grant; and

WHEREAS, the City is required to formally accept SVO funds and only utilize those funds for the purposes authorized by the COVID Relief Bill, and applicable regulations, and by state law; and

WHEREAS, the City must comply with all applicable budgeting, accounting, contracting, reporting and other compliance requirements for SVO funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City does hereby accept SVO funding and designates and directs the City Manager to take all actions necessary on behalf of council to receive the SVO funds.

Read, approved, and adopted this 24th day of August, 2021.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

352

RESOLUTION NO. 21-185

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY AT 63 LIBERTY STREET FOR CONSTRUCTION OF A SEWER SERVICE LINE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of the Murphy Oakley Park located near Fairview Road and Liberty , identified as PIN # 9657-58-1121 (the "Property"); and

WHEREAS, the property owner of an adjacent parcel has requested an easement through the park property of 108 square feet whose fair market value has been determined to be $907.20, and the property owner has agreed to pay that amount to the City of Asheville; and

WHEREAS, the City's Parks and Recreation Department was consulted and they have no objections to the connection based upon its location, minimal impact to the Property, and because the easement will not impact the City's ability to access Murphy-Oakley Park;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent sewer easement over a portion of property whose entrance is close to Liberty and Fairview Road. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-186

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT FOR AUTOMATIC AID SERVICE BETWEEN THE CITY OF ASHEVILLE AND REEM'S CREEK FIRE DEPARTMENT

WHEREAS, the City of Asheville has authority to contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the city is authorized by law to engage in; and

WHEREAS, the City of Asheville has a need to strengthen its standard of fire response cover in Beaverdam Valley and provide for automatic aid response, and

WHEREAS, the City Council approved a resolution authorizing the mayor to sign an automatic aid service agreement with Reem's Creek Fire Department on August 13, 2013, and

WHEREAS, the agreement is up for its annual renewal at a cost of $97,053.90, and

WHEREAS, the City wishes to continue the automatic aid agreement with Reem's Creek Fire District for response within the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to sign for the renewal agreement for automatic aid service between the City of Asheville and Reem's Creek Fire Department at a cost of $97,053.90 in Fiscal Year 2021-22.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bourneson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourneson
City Clerk

RESOLUTION NO. 21 - 187

RESOLUTION RATIFYING PARATRANSIT SERVICES AGREEMENT WITH BUNCOMBE COUNTY AND APPROVING AN AMENDMENT TO THE AGREEMENT TO INCREASE FUNDING IN THE CURRENT CONTRACT.

WHEREAS, N.C.General Statute §160A-461 requires that inter-local agreements entered into by the City be ratified by the City Council; and

WHEREAS, the City entered into an agreement with Buncombe County to provide paratransit services through Mountain Mobility; and

WHEREAS, the City is required by the Federal Transit Administration to provide comparable paratransit service within the service area of the Asheville Rides Transit system pursuant of the Americans with Disabilities Act of 1990, and

WHEREAS, the Federal Transit Administration requires the City of Asheville to enter into a contract agreement incorporating all federal requirements agreed to by the City of Asheville in the master agreement with the Federal Transit Administration; and

WHEREAS, in order to avoid a lapse in service and to pay services rendered, it is necessary to execute an amendment to increase the amount of funding in the contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council authorizes the City Manager to ratify the Paratransit Services Agreement with Buncombe County and to amend the agreement to increase the contract amount by $1.3 million and to increase the current contract amount from $185,552.23 to $1,485,552.23 in the agreement to pay for paratransit services to be rendered in FY 2022.

Read, approved, and adopted this 24th day of August 2021.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-188

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE NATURAL RESOURCE DEFENSE COUNCIL FOR THE PURPOSE OF ADDRESSING THE CITY'S FOOD POLICY ACTION PLAN THROUGH INCREASED FOOD WASTE REDUCTION EDUCATION IN THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. § 160A-240.1 a city is authorized to acquire funds by grant and other methods; and

WHEREAS, the City of Asheville is committed to reducing food waste, and addressing food insecurity; and

WHEREAS, the City of Asheville has an opportunity to preserve landfill space by reducing food waste generation and increasing compost initiatives; AND

WHEREAS, City Council approved Resolution 21-6 on January 12th, 2021 authorizing the City Manager to accept grant funding of $16,100 from the natural Resource Defense Council to support implementation of the City's inaugural Food Waste REduction Campaign;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept additional grant funding of $16,500 from the Natural Resource Defense Council to support the implementation of the City's Food Waste Reduction Campaign, and execute all documents necessary to give effect to this resolution.

Read, approved, and adopted this the 24th day of August 2021.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21-189

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

WHEREAS, the term of Charlie Wheeler (journeyman electrician) as a member on the Board of Electrical Examiners, expired on July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Rick Sluder is hereby appointed as the journeyman electrician to the Board of Electrical Examiners, to serve a three-year term, term to expire July 1, 2024, or until Rick Sluder's successor has been duly appointed.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-190

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

WHEREAS, the term Maggie Brousaides, as a member on the Asheville-Buncombe Historic Resources Commission, expired on July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Amanda Vollrath is hereby reappointed as a member to the Asheville-Buncombe Historic Resources Commission to serve a three-year term, term to expire July 1, 2024, or until Amanda Vollrath's successor has been duly appointed.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21-191

RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

WHEREAS, Will Overfelt and Davidson Jones, members of the Human Relations Commission, have resigned thus leaving two unexpired terms until June 1, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Tim Collins is hereby appointed as a member of the Human Relations Commissions to serve the unexpired term of Will Overfelt, term to expire June 1, 2022, or until Tim Collins' successor has been appointed.

Alex Nava is hereby appointed as a member of the Human Relations Commissions to serve the unexpired term of Davidson Jones, term to expire June 1, 2022, or until Alex Nava's successor has been appointed.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-192

RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

WHEREAS, the terms of John Bausone (transit representative) and Kenneth Armstrong (greenway representative) as members on the Multimodal Transportation Commission will expire on July 1, 2021; and

WHEREAS, Michael Waddle (transit representative) resigned, thus leaving an unexpired term until July 1, 2022; and

WHEREAS, Lydia Buehrer (greenway representative) resigned, thus leaving an unexpired term until July 1, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

John Bausone is hereby reappointed as a transit representative on the Multimodal Transportation Commission to serve a three-year term, term to expire July 1, 2024, or until John Bausone's successor has been appointed.

Kenneth Armstrong is hereby appointed as a greenway representative on the Multimodal Transportation Commission to serve a three-year term, term to expire July 1, 2024, or until Kenneth Armstrong's successor has been appointed.

Karla Furnari is hereby appointed as a transit representative on the Multimodal Transportation Commission to serve the unexpired term of Michael Waddle, term to expire July 1, 2022, or until Karla Furnari's successor has been appointed.

Bill Loftis is hereby appointed as a greenway representative on the Multimodal Transportation Commission to serve the unexpired term of Lydia Buehrer, term to expire July 1, 2022, or until Bill Loftis' successor has been appointed.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

360.

RESOLUTION NO. 21-193

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE CITY BOARD OF EDUCATION

WHEREAS, Jacquelyn McHargue has resigned as a members of the Asheville City Board of Education, thus leaving an unexpired term until April 1, 2025; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

George Sieburg be hereby appointed as a member of the Asheville City Board of Education, to serve the unexpired term of Jacquelyn McHargue, term begin on November 8, 2021, and expire on April 1, 2025, or until his successor is appointed.

Read, approved and adopted this 24th day of August, 2021.

Magdalen Bullion
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 21- 194

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR LANDSCAPE INSTALLATION AND MAINTENANCE SERVICES WITH LANDMARK WNC LLC

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Parks & Recreation Department issued a Request for Proposal (RFP) for landscape installation and maintenance services at Pack Square Park; and

WHEREAS, Landmark WNC LLC was selected based on the qualifications, understanding of the scope of services, cost, and availability; and

WHEREAS, the City desires to enter into a contract with Landmark WNC LLC for landscape installation and maintenance services for one (1) year with the option to renew for two (2) years; and

WHEREAS, the project aligns with the City Council 2036 Vision in the following way: It supports a well-planned and livable community and harmony with the natural environment through the investment in parks and open spaces;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to execute a contract with Landmark WNC LLC, for landscape installation and maintenance services, for an amount not to exceed $146,450.00 with option to renew maintenance services for up to two (2) additional years at $47,800.00 per year.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-195

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST EXTENSION OF THE PLAYGROUND MULCH CONTRACT WITH SYNERGY SPORTS CHARLOTTE LLC.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the Parks & Recreation Department issued a Request for Proposal (RFP) for the installation of playground safety mulch in June of 2019; and

WHEREAS, Synergy Sports Charlotte LLC, was selected based on the qualifications, understanding of the scope of services, cost, and availability; and

WHEREAS, the contract was for one-year plus up to two (2) one-year extensions;

WHEREAS, the first year of the contract will expire on August 31st, 2021; and

WHEREAS, the amount of the extension is $132,930;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the first one-year extension of the Playground Mulch contract in the amount of $132,930 with Synergy Sports Charlotte LLC, with option to renew for up to one (1) additional year for an additional $132,930.00.

Read, approved, and adopted this the 14th day of September 2021.

Magdalen Boulware
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Boulware
City Clerk

RESOLUTION NO. 21-196

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND CONTRACT WITH MCLAUGHLIN YOUNG GROUP TO INCREASE BEHAVIORAL HEALTH SERVICES PROVIDED TO CITY EMPLOYEES

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City has a current contract with McLaughlin Young Group to provide an employee assistance program to employees of the City of Asheville; and

WHEREAS, City staff recommends increasing the contract to include dedicated behavioral health services to employees of the fire and police departments; and

WHEREAS, City staff recommends the execution of an amendment to the existing contract adding these dedicated behavioral health services for with a term of one (1) year with up to two (2) one-year extensions to said contract upon mutual approval of the parties; and

WHEREAS, the monies for the contract amendment have been budgeted in the Health Care Fund budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the City of Asheville's current contract with McLaughlin Young Group to provide increased services to City of Asheville employees and their families at a cost of $48,600, bringing the total contract expenditure to $114,874.51 and to execute any necessary change orders to said contract.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Bowleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-197

RESOLUTION APPROVING THE CATEGORIES TO BE FUNDED WITH THE $26.2 MILLION OF AMERICAN RESCUE PLAN ACT STATE AND LOCAL GOVERNMENT FISCAL RECOVERY FUNDS

WHEREAS, the City of Asheville has authority pursuant to N.C.S.G. 160A-17 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, the City is eligible for $26.2 million in funding from the American Rescue Plan Act (ARPA) state and local government fiscal recovery funds; and

WHEREAS, the City formally accepted the funds on July 27, 2021; and

WHEREAS, the City must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for ARPA fiscal recovery funds; and

WHEREAS, City Council recommends the $26.2 million be spent on the following activities:

Affordable housing	Food systems
Care for aging residents	Homelessness services
City infrastructure	Revenue losses
Community communication	Small business recovery
Domestic violence prevention and assistance	Workforce development
Climate Change	

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to create a program of work for the American Rescue Plan Act State and Local Government Fiscal Recovery Funds outlined above.

Read, approved, and adopted this the 14th day of September 2021.

Magdalen Bowleson
City Clerk

Edwin E. Peterson
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-198

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ASHEVILLE FOR BOTH PARTIES TO PARTNER IN WIDENING THE EXISTING SIDEWALK ON THE NORTH SIDE OF THE AMBOY ROAD BRIDGE AND IMPROVE CONNECTIONS TO THE RADTIP PROJECT AND FRENCH BROAD RIVER PARK.

WHEREAS, the NCDOT and the City have identified a pedestrian safety issue along SR 3556 (Amboy Road) at Bridge # 321; and

WHEREAS, the NCDOT has developed plans to widen the existing sidewalk along the north side of SR 3556 (Amboy Road) from Lyman Street to Riverview Drive; and

WHEREAS, the NCDOT and the City will partner to fund the project; and

WHEREAS, the NCDOT will construct the widened sidewalk; and

WHEREAS, according to NCDOT policy, it is the responsibility of a local government to maintain pedestrian facilities within the public right-of-way for state-maintained streets, except for the sidewalk that will be located on Bridge # 321;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an agreement with the N.C. Department of Transportation (NCDOT) to widen the existing sidewalk on Amboy Road Bridge and improve the sidewalk connections to the RADTIP Project and French Broad River Park.

Read, approved and adopted this the 14th day of September, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

366

RESOLUTION NO. 21-199

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TEQUITY, LLC FOR PROJECT MANAGEMENT SERVICES FOR THE REPARATIONS PROCESS FOR THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has authority pursuant Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City requires professional project management services to provide comprehensive management, coordination and support services throughout the development of and work of the Reparations Commission in coordination with city staff; and

WHEREAS, the City desires to award a contract to TEQuity LLC for professional project management services for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with TEQuity for professional project management services, including any amendments thereto, in amount not to exceed $365,583.

Read, approved and adopted this the 14th day of September, 2021.

Magdalen Bowlerson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 21- 200

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE TWO CONTRACT AMENDMENTS TO SUPPORT NON-CONGREGATE EMERGENCY SHELTER AT LOCAL HOTELS FOR PEOPLE EXPERIENCING HOMELESSNESS

WHEREAS, the COVID-19 pandemic has presented an unprecedented need for emergency shelter for persons experiencing unsheltered homelessness; and

WHEREAS, the Five P Mountain, LLC has agreed to provide hotel rooms to the City of Asheville for operation of a non-congregate emergency shelter for persons experiencing unsheltered homelessness at a cost not to exceed $1,736,175; and

WHEREAS, Sunrise Community for Wellness and Recovery has agreed to provide supportive services to persons experiencing homelessness for this initiative at a cost not to exceed $643,409;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute the agreements, change orders, and contract amendments with the entities listed above for this purpose within the adopted budget ordinance for this initiative and authorizes the City Manager to execute any documents necessary to give effect to this resolution.

Read, approved, and adopted this 14th day of September, 2021.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-201

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN BELLSOUTH TELECOMMUNICATIONS, INC, DBA AT&T NORTH CAROLINA AND THE CITY OF ASHEVILLE FOR PUBLIC PARKING AT 24 O'HENRY AVENUE IN DOWNTOWN ASHEVILLE

WHEREAS, N. C. Gen. Stat. 160A-19 and 160A-240.1 authorize the City to acquire leases of real property for use by any department of the City; and

WHEREAS, Bellsouth Telecommunications, Inc. dba AT&T North Carolina is the owner of real property located at 24 O'Henry Ave., identified as 9649-20-5843-00000 and

WHEREAS, the City of Asheville would like to extend the existing lease with AT&T to continue to lease a portion of said property for approximately 45 public parking spaces and the parties have mutually agreed to negotiate terms for a new lease next year; and

WHEREAS, the rental for the leased premises will be $3,290.00 per month with an escalation rate of 2% to be applied at the beginning of each new year; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute the Lease Agreement Amendment between Bellsouth Telecommunications, Inc., dba AT&T North Carolina and the City of Asheville for a portion of the parking lot located at 24 O.Henry Avenue at PIN # 9649-20-5843-00000. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to the approval of the City Attorney, and compliance with North Carolina law.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Bowlesom
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesom
City Clerk

RESOLUTION NO. 21- 202

RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT SYMPHONY IN THE PARK ON THE DATES OF SEPTEMBER 19 AND 20, 2021, FROM 6:00 PM – 9:00 PM

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Sections 11-11 of the Code of Ordinances of the Asheville City Code, provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a community festival and Section 11-20 of the Asheville City Code permits the sale of malt beverages and unfortified wine on Sunday mornings beginning at 10:00 AM; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Symphony in the Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

4. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted within the Symphony in the Park event area, as set forth in Exhibit A, attached.

   The Symphony in the Park event area is within the boundaries of the Roger McGuire Green and Reuter Terrace at Pack Square Park, Court Plaza Parking Lot, and Spruce Street between the intersections of Court Plaza and College Street.

5. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be permitted for the Symphony in the Park on Sunday, September 19 and Monday, September 20, 2021, from 6:00 p.m. – 9 p.m.

6. The possession of and consumption from open containers of malt beverages and/or

unfortified wine permitted hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic or paper cups. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine is not permitted anywhere in the Symphony in the Park event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be permitted in the Symphony in the Park event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

7. The location of the Symphony in the Park, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine is permitted shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Bowerson
City Clerk

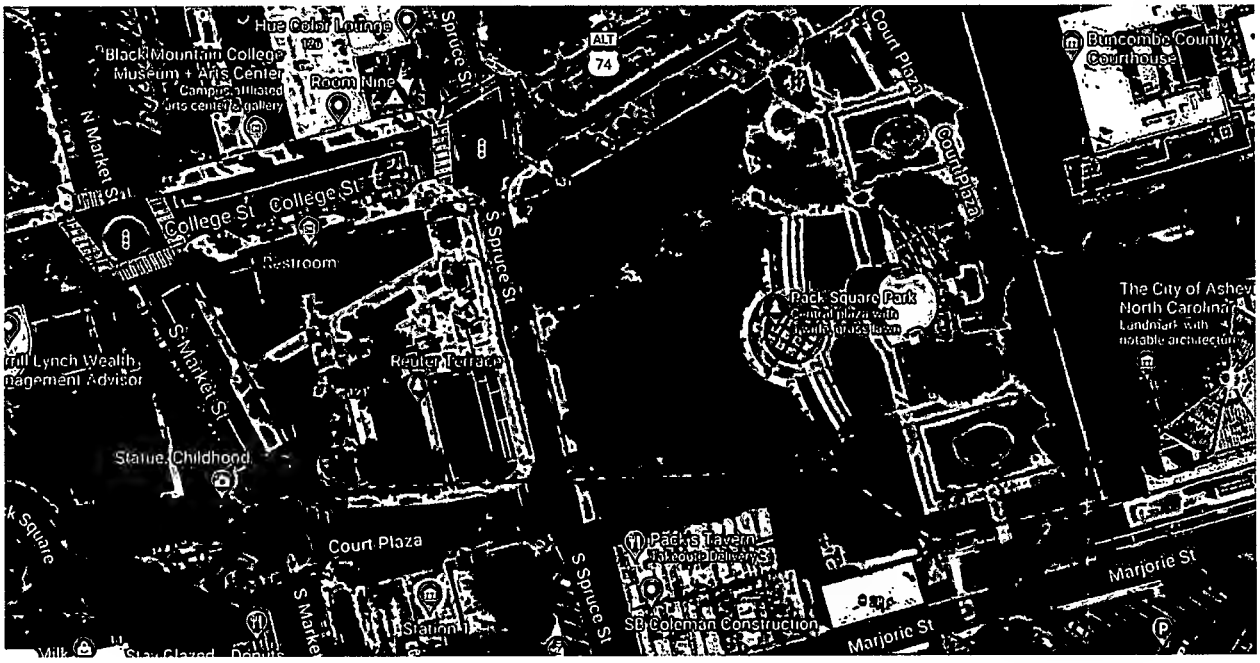
Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

City Clerk

EXHIBIT A



Alcohol Area

372

RESOLUTION NO. 21- 203

RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

WHEREAS, the term of Marvin Chambers as a member of the African American Heritage Commission will expire on July 1, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Stephen Blount is hereby appointed as a member of the African American Heritage Commission to serve a three-year term, term to expire July 1, 2024, or until Stephen Blount's successor has been appointed.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Bowlson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-204

RESOLUTION APPOINTING MEMBERS TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

WHEREAS, the terms of Himanshu Karvir and John Luckett, both representing lodging of 101 or more rental units, as members on the Buncombe County Tourism Development Authority, expires on August 31, 2021; and

WHEREAS, James Poole has resigned as a member, representing lodging of 100 rental units or less, from the Buncombe County Tourism Development Authority, thus leaving an unexpired term until August 31, 2022; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Michael Lusick is hereby appointed as the representative of lodging of 101 or more rental units to the Buncombe County Tourism Development Authority, to serve a three-year term, term to expire August 31, 2024, or until Michael Lusick's successor has been duly appointed.

Matthew Lehman is hereby appointed as the representative of lodging of 101 or more rental units to the Buncombe County Tourism Development Authority, to serve a three-year term, term to expire August 31, 2024, or until Matthew Lehman Lehman's successor has been duly appointed.

Larry Crosby is hereby appointed as the representative of lodging of 100 rental units or less to the Buncombe County Tourism Development Authority, to serve a three-year term, term to expire August 31, 2022, or until Larry Crosby's successor has been duly appointed.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Bowleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-205

RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

WHEREAS, Bill Jones, member of the Civic Center Commission, has resigned thus leaving an unexpired term until June 30, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Yvonne Cook Riley is hereby appointed as a member of the Civic Center Commission to serve the unexpired term of Bill Jones, term to expire June 30, 2022, or until Yvonne Cook Riley's successor has been appointed.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Bradley
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bradley
City Clerk

RESOLUTION NO. 21- 206

RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

WHEREAS, Veronica Coit, member of the Human Relations Commission, has resigned thus leaving an unexpired term until June 1, 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Marilynn Raynor is hereby appointed as a member of the Human Relations Commission to serve the unexpired term of Veronica Coit, term to expire June 1, 2023, or until Marilynn Raynor's successor has been appointed.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-207

RESOLUTION APPOINTING A MEMBER TO THE PLANNING & ZONING COMMISSION

WHEREAS, the terms of Tony Hauser and Guillermo Rodriguez, as members to the Planning & Zoning Commission, expires on August 14, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Geoffrey Barton is hereby appointed to the Planning & Zoning Commission, to serve a three-year term, term to expire August 14, 2024, or until Geoffrey Barton's successor has been duly appointed.

Read, approved and adopted this 14th day of September, 2021.

Magdalen Bowlerson
CITY CLERK

Esther E Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 21-208

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH IPC PAVING, LLC DBA IPC STRUCTURES, LLC. FOR THE CONSTRUCTION OF THE FRENCH BROAD RIVER GREENWAY WEST BANK.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-64.31, qualifications were solicited for the French Broad River Greenway West Bank Construction Engineer and Inspection Services, NCDOT Project #U-5019B; and

WHEREAS, SEPI Engineering and Construction, Inc. was selected based on their demonstrated competence and qualification for this type of professional services; and

WHEREAS, SEPI Engineering and Construction, Inc. shall provide all labor, materials, and equipment for the engineering and inspection services of the French Broad River Greenway West Bank; and

WHEREAS, the amount of the agreement is $398,619.04, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with SEPI Engineering and Construction, Inc. in the amount of $398,619.04, for French Broad River Greenway West construction engineering and inspection services; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% ($39,861.90).

Read, approved and adopted this the 28th day of September, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-209

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE CONSTRUCTION CONTRACT WITH WXPROOFING, LLC., FOR THE HARRAH'S CHEROKEE CENTER ASHEVILLE - WINDOW REPLACEMENT & CONCRETE REPAIRS PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City desires to amend a contract with WxProofing, LLC., for the construction services for Harrah's Cherokee Center Asheville - Window Replacement & Concrete Repairs Project; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Harrah's Cherokee Center Asheville - Window Replacement & Concrete Repairs Project# C1901; and

WHEREAS, WxProofing, LLC., of Greensboro, NC was awarded the contract in the amount up to $1,187,785.50; and

WHEREAS, the acceptance of an additional bid alternate to complete the storefront glass system has led to an increase in costs for construction services beyond the not to exceed threshold; and

WHEREAS, the amount of the additional costs are $35,099.50, and funding for the project is allocated within Harrah's Cherokee Center Asheville Capital Improvement funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to amend the executed construction contract with WxProofing, LLC., for the Harrah's Cherokee Center Asheville - Window Replacement & Concrete Repairs project to $1,222,885; with further authorization for the City Manager to execute any change orders that may arise during the remainder of the project up to the amount of $13,000, for a total construction contract amount not to exceed, $1,235,885.

Read, approved and adopted this the 28th day of September, 2021.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 21-210

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ASHEVILLE (CITY) AND DUKE ENERGY PROGRESS, LLC. (OBA DUKE ENERGY) TO EXPLORE THE POSSIBILITY OF A LAND EXCHANGE BETWEEN THE CITY AND DUKE ENERGY TO REPLACE THE EXISTING DOWNTOWN SUBSTATION.

WHEREAS, Duke Energy owns the following parcels of land: 36 Hiawassee Street (approximately .14 Acres, PIN: 964931443400000) and 72 Rankin Avenue (approximately .34 Acres, PIN: 964931535500000), as shown on the attached map, attached hereto and incorporated herein (hereafter the "**Duke Energy Property**"); and

WHEREAS, the City owns the following parcel of land: 57 Rankin Avenue (approximately .64 Acres, PIN: 964931629600000, as shown on the attached map, attached hereto and incorporated herein (hereafter the "**City Property**"). The City Property is currently used as an active parking lot for thirty-five (35) permitted users; and

WHEREAS, Duke Energy operates and maintains its Vanderbilt Substation (hereafter the "**Substation**") on the Duke Energy Property, which Substation serves a critical role in providing electric service to the downtown Asheville area; and

WHEREAS, the Substation was constructed in the mid 1960's and has reached the end of its useful service life, and Duke Energy desires to rebuild the Substation using a similar technology and footprint; and

WHEREAS, the City desires that the Substation be relocated to accommodate renovation and possible future expansion of the Harrah's Cherokee Center Asheville and the Thomas Wolfe Auditorium to allow for larger events or the construction of a convention center space; and

WHEREAS, the City and Duke Energy believe that the City Property may be able to accommodate the rebuild of the Substation, and if so, the Parties desire to explore the possibility of the exchange of ownership of the City Property and the Duke Energy Property pursuant to an agreement between the Parties that will document the terms and conditions of the land exchange for full and fair consideration as required by statute and any regulatory requirements of the North Carolina Utilities Commission and/or the Public Service Commission of South Carolina; and

WHEREAS, in order to determine whether the City Property will accommodate the rebuild of the Substation, Duke Energy desires to conduct certain studies and other activities on the City Property as necessary to make such determination; and

WHEREAS, the City and Duke Energy have a history of working together in partnership and desire to enter into this MOU to begin the process of exploring the possibility of a land exchange to benefit the City and Duke Energy; and

WHEREAS, any agreement for a land exchange will be subject to future review and approval by the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Pursuant to North Carolina General Statute Sec.160A-16, the City Manager is hereby authorized to enter into a Memorandum of Understanding with Duke Energy Progress LLC. in order to explore the

possibility of the exchange of ownership of the City Property and the Duke Energy Properties for the replacement of the existing Substation. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 28th day of September, 2021.

Magdalen Bouleson
City Clerk

Esther G. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bouleson
City Clerk

June 10, 2021

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382

RESOLUTION NO. 21-211

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH W. K. DICKSON & CO., INC. TO INCREASE THE NEIGHBORHOOD ENHANCEMENT PROJECT AREA 5 – PROFESSIONAL SERVICES CONTRACT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, on February 27, 2018 a resolution was passed for the City Manager to enter into a contract with W. K. Dickson & Co., Inc., for the Neighborhood Enhancement Project Area 5; and

WHEREAS, it has been determined that additional professional services are needed in order to meet the project objectives and resolve additional issues within the water system; and

WHEREAS, a change order in the amount of $690,275.00 is needed to increase the professional services contract for W. K. Dickson & Co., Inc., from a total in the amount of $762,395.00 to $1,452,670.00 for the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a change order with W. K. Dickson & Co., Inc.in the amount of $690,275.00 to increase the Neighborhood Enhancement Project Area 5 – Professional Services C$1,452,670.00.

Read, approved and adopted this 28th day of September 2021.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-212

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE, INC. FOR THE FY22 UTILITY CUT CONCRETE REPAIR CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the FY22 Utility Cut Concrete Repair contract; and

WHEREAS, Appalachian Paving and Concrete, Inc. of Swannanoa, NC was the lowest responsible bidder for the project; and

WHEREAS, Appalachian Paving and Concrete, Inc. shall provide all labor, materials, and equipment for the FY22 Utility Cut Concrete Repair contract; and

WHEREAS, the amount of the bid is $287,751.00, and funding is from fees paid by members of the Street Cut Utility Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Appalachian Paving and Concrete, Inc. in the amount of $287,751.00, for the FY22 Utility Cut Concrete Repair contract.

Read, approved and adopted this the 12th day of October, 2021.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-213

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (2006 FREIGHTLINER KNUCKLEBOOM), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus 2006 Freightliner Knuckleboom ("Knuckleboom"), with an estimated wholesale value of $30,000+; and

WHEREAS, the Knuckleboom will be advertised on the GovDeals online auction website at www.govdeals.com on October 13, 2021 with bids due on October 25, 2021 and upon completion of the auction will be awarded to the highest bidder; and

WHEREAS, to authorize the sale of the Knuckleboom, City Council approval is needed; and

WHEREAS, the proceeds of the sale will be revenue for the General Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the 2006 Freightliner Knuckleboom

2. The Purchasing Manager is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the 2006 Freightliner Knuckleboom.

Read, approved and adopted this the 12th day of October, 2021.

Magdalen Bulleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21- 214

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE NORTH CAROLINA OF TRANSPORTATION (NCDOT) APPRENTICESHIP GRANT PROGRAM FOR PUBLIC TRANSIT AND IF AWARDED, AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH NCDOT TO FUND THE 10% MATCH FOR THE PROGRAM FOR FISCAL YEAR (FY) 2022-2023.

WHEREAS, the City of Asheville has the authority, pursuant to N.C.G.S. § 160A-17.1., to apply for and receive grants from the Federal and State government and to enter contracts for the administration of siad grants, and

WHEREAS, the funds for the program for FY 22-23 are available from the North Carolina Department of Transportation (NCDOT); and

WHEREAS, the City of Asheville will comply with all applicable State requirements in accepting the grant funds; and

WHEREAS, the NCDOT will provide a 90% of the funds needed for the Apprentice and the City will provide 10% of the funds, budgeted in the Transit Operations Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to apply for the North Carolina Department of Transportation (NCDOT) Apprenticeship Grant Program for Public Transit and if awarded, authorize the City Manager to enter into an agreement with NCDOT to fund the 10% match for the program for Fiscal Year (FY) 2022-2023.

Read, approved and adopted this the 12th day of October, 2021.

Magdalen Burleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-215

RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY AND AMEND THE EXISTING TRANSIT OPERATIONS AND MAINTENANCE CONTRACT BETWEEN THE CITY OF ASHEVILLE AND ASHEVILLE TRANSIT MANAGEMENT (RATPDEV, INC.) AND TO INCREASE THE CONTRACT AMOUNT TO REFLECT THE INCREASE IN COST TO CONTINUE TO PROVIDE THE CURRENT SERVICE LEVEL FOR FISCAL YEAR 2022.

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville budgeted an additional $1,317,286 toward implementation of the 2018 Transit Master Plan in the Fiscal Year 2022 budget; and

WHEREAS, the City of Asheville and Asheville Transit Management, LLC (RATPDev USA) are in first year of the first two-year Option Period of the existing contract for the operations and maintenance of the Asheville Rides Transit System; and

WHEREAS, the existing contract requires that new monthly fixed fees and revenue hour rates be renegotiated when service increases of more than 20% are proposed; and

WHEREAS, the City and Asheville Transit Management, LLC (RATPDev USA) negotiated in good faith to make revisions to the contract, as described in Amendment 2, in order to reflect the increase cost in providing the existing level of transit service and to provide general clarifications and updates to contract language; and

WHEREAS, the changes provided in Amendment 2 are intended to improve transit service access and convenience for riders;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to ratify and amend the existing Transit Operations and Maintenance Contract between the City of Asheville and Asheville Transit Management, LLC (RATPDev USA) and to increase the contract amount by $175,000, for a contract total of $9,153,487, to reflect the increase in cost to continue to provide the current service level for FY 22.

Read, approved and adopted this the 12th day of October, 2021.

Magdalen Bowlson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-216

RESOLUTION APPROVING A LAND USE INCENTIVE GRANT AGREEMENT FOR A DEVELOPMENT LOCATED AT 130 CHARLOTTE STREET (KASSINGER DEVELOPMENT GROUP / KDG LLC)

WHEREAS, The City of Asheville has the authority pursuant to N.C. Gen. Stat. § 158-7.1 and § 160D-1316 to provide incentive grants (or appropriations) to encourage development projects that fulfill important public purposes in the City of Asheville; and

WHEREAS, these public purposes include the development of affordable and workforce housing to increase the City's population, taxable property and business prospects, per N.C. Gen. Stat.§ 158-7.1, and encourage the development of housing for persons of low and moderate income, per N.C. Gen. Stat. § 160A-1316, which are also principal components of the City's annual strategic goals and other adopted plans; and

WHEREAS, the City Council of Asheville has adopted a Land Use Incentive Policy (LUIP) in order to encourage the development of projects that meet the aforementioned goals and plans; and

WHEREAS, the KDG LLC / 130 Charlotte Street development represents the type of project envisioned for support within those goals and the LUIP; and

WHEREAS, in support of those strategic goals and the Land Use Incentive Grant policy criteria adopted by the City Council, the RCG LLC development located in North Asheville will be, for purposes of this LUIP, a 186 unit multi-family rental development project that is located in close proximity to transit lines, and will fulfill an important public purpose in that it will provide 37 units of moderate income housing (defined as rents that require payment of no more than 30% of gross income for a household with an income at or below 80% of the area median income), and accept housing choice vouchers / rental assistance for 50% of the affordable housing units (19 units), and the proposed project is located within .25 mile of a ½ hour transit stop served by an existing sidewalk , within 1 mile from job or urban center, within a .5 mile from a Transportation Amenity, will achieve Energy Star Certification and Building in a NON-Qualified Census Tract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby approves a Land Use Incentive Agreement to KDG LLC to support the development of the project at 130 Charlotte Street. The estimated annual land use incentive grant would be the difference between the current City tax ($14,558) and the estimated post-completion City tax due currently estimated to be $108,689. The City would allow an estimated annual grant of $94,131. The grant is approved for a period of 16 years with the total grant value estimated at $1,506,096. The City Manager is hereby authorized to execute a Land Use Incentive Program Agreement setting forth the conditions of compliance for both parties, subject to approval of the City Attorney.

Read, approved and adopted this 12th day of October, 2021.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-217

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, Parker Smith, member of the Homeless Initiative Advisory Committee, has resigned thus leaving an unexpired term until November 1, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

David Bartholomew is hereby appointed as a member of the Homeless Initiative Advisory Committee to serve the unexpired term of Parker Smith, term to expire November 1, 2022, or until David Bartholomew's successor has been appointed.

Read, approved and adopted this 12th day of October, 2021.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-218

RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

WHEREAS, Tim Collins, member of the Human Relations Commission, has resigned thus leaving an unexpired term until June 1, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Harvey Harold is hereby appointed as a member of the Human Relations Commission to serve the unexpired term of Tim Collins, term to expire June 1, 2022, or until Harvey Harold's successor has been appointed.

Read, approved and adopted this 12th day of October, 2021.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

390

RESOLUTION NO. 21-219

RESOLUTION APPOINTING MEMBERS TO THE NOISE ADVISORY BOARD

WHEREAS, on July 27, 2021, City Council adopted Ordinance No. 4390 amending the Noise Ordinance; and

WHEREAS, said ordinance dissolved the Noise Ordinance Appeals Board and in its place adopted a Noise Advisory Board; and

WHEREAS, seven members will need to be appointed to the Board as follows: three residents, one representative of the restaurant industry, one representative of the industrial or construction industry, one professional in acoustic engineering or related field; and one representative of the performing arts;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Jeff Santiago be appointed in the resident seat to serve a two-year term, term to expire November 1, 2023, or until Jeff Santiago's successor has been appointed.

Rick Freeman be appointed in the resident seat to serve a three-year term, term to expire November 1, 2024, or until Rick Freeman's successor has been appointed.

Charles Beck be appointed in the resident seat to serve a three-year term, term to expire November 1, 2024, or until Charles Beck's successor has been appointed.

James Harwood be appointed to serve a two-year term, term to expire November 1, 2023, as the representative of the restaurant industry, or until James Harwood's successor has been appointed.

Anoop Krishnan be appointed to serve a three-year term, term to expire November 1, 2024, as the representative of the industrial or construction industry, or until Anoop Krishnan's successor has been appointed.

Carmelo Pampillonio be appointed to serve a two-year term, term to expire November 1, 2023, as the professional in acoustic engineering or related field, or until Carmelo Pampillonio's successor has been appointed.

Jessica Tomasin be appointed to serve a three-year term, term to expire November 1, 2024, as the representative of the performing arts, or until Jessica Tomasin's successor has been appointed.

Read, approved and adopted this 12th day of October, 2021.

Magdalen Burleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 21- 220

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND GRIND LLC ON CITY-OWNED PROPERTY AT 8 RIVER ARTS PLACE

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for such terms and conditions as the council sees fit, for periods of up to 10 years upon 30 days public notice; and

WHEREAS, public notice describing the property to be leased, stating the proposed lease payments, and announcing the City Council's intent to consider the lease at this regularly held meeting was issued on September 24, 2021: and

WHEREAS, the City of Asheville is the owner of real property located on 8 River Arts Place; and

WHEREAS, the City of Asheville would like to extend a new lease to Grind, LLC to lease the structure and deck area for a four year term with one (1) four (4) year renewal; and

WHEREAS, the rental for the leased premises will be $1,500.00 per month with an escalation rate of 2% to be applied at the beginning of each new lease year;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between the City of Asheville and Grind LLC for property located at 8 River Arts Place, Asheville NC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 26th day of October, 2021.

Magdalen Bateson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bateson
City Clerk

392

RESOLUTION NO. 21-221

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE SOLE SOURCE APPROVAL FOR PURCHASES OF COLILERT/SIMPLATE PRODUCTS FROM IDEXX CORPORATION

WHEREAS, pursuant to N.C.G.S. § 143-129(e)(6), the City of Asheville does not have to engage in competitive bidding for purchases of apparatus, supplies, materials or equipment when (i) performance or price competition is unavailable; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.; and

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the City currently utilizes Idexx Corporation to provide Colilert and other products in order to meet the required standard methods for the analysis of Total Coliform and E.Coli Bacteria; and

WHEREAS, the use of Idexx Corporation will utilize the most accurate products to ensure timely completion and fulfill compliance with scope of the Revised Total Coliform Rule;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to purchase Idexx Corporation Products - Colilert, Simplate in order to meet State and Federal regulations by maintaining Water Resources Laboratory Certifications to analyze drinking water per Standard Method 9223B - Colilert Method.

Read, approved, and adopted this 26th day of October, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21 - 222

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MARATHON HEALTH FOR HEALTH CENTER MANAGEMENT AND PHYSICIAN SERVICES AT THE EMPLOYEE HEALTH CENTER

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, the City issued a Request For Proposals (RFP) for physicians or physician practices to provide physician services at the Employee Health Center; and

WHEREAS, after reviewing the Responses to the RFP, City staff recommends that the City enter into a contract with Marathon Health for management of the health center and provision of physician services; and

WHEREAS, City staff recommends the execution of a contract with an initial term of one (1) year with up to two (2) one-year extensions to said contract upon mutual approval of the parties; and

WHEREAS, the contract effective date shall be November 1, 2021; and

WHEREAS, the contract value shall not exceed $864,400 for each year of the contract; and

WHEREAS, the monies for the initial term of this contract have been budgeted for the operation of the Employee Health Center;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to negotiate and enter into a contract on behalf of the City of Asheville with Marathon Health and further authorized to execute up to two one-year extensions to said contract for a total three-year expenditure of $2,593,200.

Read, approved and adopted this the 26th day of October, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-223

RESOLUTION APPROVING THE LOAN MODIFICATION REQUESTED BY MOUNTAIN HOUSING OPPORTUNITIES ("MHO") TO ALLOW THEM TO MAINTAIN AFFORDABLE HOUSING CONDITIONS AT COMPTON PLACE BY AMENDING LOAN TERMS AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

WHEREAS, the City of Asheville executed a Housing Trust Fund loan agreement (Loan 2001-02) with MHO in December 7, 2001 in the amount of $140,000 located at 547 Eliada Home Road, which was secured by a promissory note and deed of trust, for the production of forty (40) affordable senior rental housing units; and

WHEREAS, the term of each loan was to run for a period of twenty (20) years, wherein at its expiration the full principal amount was to be due in full; and

WHEREAS, in July 2021, MHO stated their intention to continue management of each the property's forty (40) units as affordable senior units for an additional period of ten (10) years, and requested the terms of the loan be extended for a period of ten (10) years to match the period of affordability and allow MHO to restructure existing debt on this property; and

WHEREAS, MHO also requests to reduce the interest rate from 2.25% to 0.00%; and

WHEREAS, MHO requests to modify the loan payments to annual, principle only payments of $3,962 with a balloon payment in 2031; and

WHEREAS, the modification of a Housing Trust Fund loan agreement requires formal approval by the Housing and Community Development Committee and the City of Asheville; and

WHEREAS, on October 19 2021, the Housing and Community Development Committee approved the request by MHO; and

WHEREAS, the actions described above would help maintain the financial condition of the property and ensure the maintenance of affordable housing units in the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Loan Modification requested by MHO to modify the existing Housing Trust Fund loan for Compton Place by extending the loan period for an additional 10 years, reduce the interest rate from 2.25% to 0.00%, and modify the loan payments to annual principal only payments of $3,962 with a balloon payment of approximately $100,380 on December 7, 2031 is hereby approved and the City Manager of the City of Asheville is hereby authorized to negotiate and execute any and all documents necessary to give effect to this resolution.

Read, approved and adopted this 26th day of October, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-224

RESOLUTION AUTHORIZING AN AMENDMENT TO THE GRANT AGREEMENT WITH THE HAYWOOD STREET COMMUNITY DEVELOPMENT FOR DUE DILIGENCE IN THEIR PURSUIT OF THE DEVELOPMENT OF APPROXIMATELY 42 PERMANENTLY AFFORDABLE RENTAL HOMES

WHEREAS, Haywood Street Community Development is under contract to purchase real property located at 343 & 357 W. Haywood Street with the intention to construct permanent, deeply affordable housing to the most vulnerable members of the Asheville community; and

WHEREAS, the City of Asheville previously entered into a grant agreement with Haywood Street Community Development to fund $71,000 of initial due diligence on the property; and

WHEREAS, Haywood Street Community Development has received the results of the initial due diligence, and based on the positive findings, is now ready to pursue a second phase of due diligence investigations, including surveying, environmental site assessments, geotech analysis, title examination, and civil and architectural site planning, and any other investigations of the site as may be necessary or desirable, in amount of $225,000 for a total grant agreement amount of $296,000; and

WHEREAS, pursuant to N.C.G.S. 160D-1316, the City is authorized to appropriate and expend funds for residential housing construction for sale or rental to persons and families of low and moderate income;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an amendment grant funding agreement with the Haywood Street Community Development in the total amount of $296,000 for the purpose of completing due diligence efforts for an affordable housing development on this property. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 26th day of October, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-225

RESOLUTION APPOINTING A MEMBER TO THE PLANNING & ZONING COMMISSION

WHEREAS, the term of Guillermo Rodriguez, as a member to the Planning & Zoning Commission, expired on August 14, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Kelsey Simmons is hereby appointed to the Planning & Zoning Commission, to serve a three-year term, term to expire August 14, 2024, or until Kelsey Simmons' successor has been duly appointed.

Read, approved and adopted this 26th day of October, 2021.

Magdalen Bullock
CITY CLERK

Edwin E. Peterson
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 21- 226

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO SIGN AND SUBMIT THE FY2021 CONTINUUM OF CARE CONSOLIDATED ON BEHALF OF THE NC-501 CONTINUUM OF CARE, SIGN AND SUBMIT THE CITY OF ASHEVILLE'S PLANNING GRANT FUNDING APPLICATION AND HOMELESS MANAGEMENT INFORMATION SYSTEMS FUNDING APPLICATION, EXECUTE GRANT AGREEMENTS, AND ACCEPT ANY FUNDS AWARDED.

WHEREAS, the U.S. Department of Housing and Urban Development will allocate Continuum of Care (CoC) funds to project applicants in the FY2021 Notice of Funding Availability (NOFO) Competition; and

WHEREAS, the City of Asheville has agreed to serve as the CoC Collaborative Applicant for the NC-501 Continuum of Care Consolidated Application; and

WHEREAS, the U.S. Department of Housing and Urban Development has made the NC-501 Continuum of Care eligible for $1,774,234 in renewal funding for existing projects, $195,882 in potential new bonus projects, and $53,227 in Planning Grant funding for the FY2021 CoC NOFO Competition; and

WHEREAS, the Finance Workgroup of the Asheville-Buncombe Homeless Initiative Advisory Committee (HIAC) has reviewed, scored, and ranked the projecting funding applications that were submitted and made its recommendations to HIAC; and

WHEREAS, the Homeless Initiative Advisory Committee unanimously approved the Finance Workgroup's recommendations and recommended that the City of Asheville submit the Consolidated Application and Project Priority Listing to U.S. Department of Housing and Urban Development;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Asheville City Council authorizes the City Manager to sign and submit the FY2021 Continuum of Care Consolidated Application, NC-501 Continuum of Care City of Asheville Planning Grant funding application, and NC-501 City of Asheville Homeless Management Information System funding application; and

2. Council authorizes the City Manager to sign all necessary contract documents with the US Department of Housing and Urban Development for the Continuum of Care after approval by the City Attorney, and accept any funds awarded.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved As To Form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-227

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SOLE SOURCE CONTRACT WITH CURRENT VENDOR, BENTLEY SYSTEMS - SENSEMETRICS FOR PRODUCTS AND SERVICE, FOR 1 YEAR WITH TWO ONE-YEAR OPTIONS FOR RENEWAL.

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WHEREAS, pursuant to N.C.G.S. § 143-129(e)(6), the City of Asheville does not have to engage in competitive bidding for purchases of apparatus, supplies, materials or equipment when (i) performance or price competition is unavailable; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration.; and

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, the City currently utilizes BENTLEY SYSTEMS to provide SENSEMETRICS products and service in order to ensure the physical integrity and safety of the dams at North Fork Reservoir; and

WHEREAS, the use of BENTLEY SYSTEMS SENSEMETRICS will maintain an up-to-date and precise monitoring system and data management;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to enter into a contract with BENTLEY SYSTEMS for SENSEMETRICS products and service in order to ensure the physical integrity and safety of the dams at North Fork Reservoir by continuing to maintain an up-to-date and precise monitoring system and data management.

Read, approved, and adopted this 9th day of November, 2021.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bulleson
City Clerk

RESOLUTION NO. 21-228

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH J.L.S. COMPANY LLC FOR THE 2021 TRAFFIC CALMING PROJECT.

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-131, bids were solicited for the 2021 Traffic Calming project; and

WHEREAS, J.L.S. Company LLC of Skyland, NC was the lowest responsible bidder for the project; and

WHEREAS, J.L.S. Company LLC shall provide all labor, materials, and equipment for the installation of traffic calming devices to include asphalt speed humps and associated pavement markings; and

WHEREAS, the amount of the bid is $96,220.00, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with J.L.S. Company LLC in the amount of $96,220.00, for the 2021 Traffic Calming project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $9,622.00 (10%).

Read, approved and adopted this the 9th day of November, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 21- 229

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A ONE YEAR EXTENSION OF THE CONTRACT WITH WNC LANDSCAPING, LLC FOR THE FISCAL YEAR 2021 DOWNTOWN CLEANING CONTRACT

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as FY21 Downtown Cleaning Contract; and

WHEREAS, WNC Landscaping LLC of Cedar Mountain, NC was the lowest responsible bidder for the project, in the amount of $132,503.00; and

WHEREAS, the project involves the cleaning of City-owned sidewalks in the Central Business District; and

Whereas, this is the first of two possible extensions of the original contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a one year extension of the downtown cleaning contract with WNC Landscaping, LLC in the amount of $237,923.82, plus a 15% contingency of $35,688.57, for a total of $273,612.39 for extension 1 of the FY21 downtown cleaning contract.

Read, approved and adopted this the 9th day of November, 2021.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 21-230

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF ELECTRONIC VEHICLE CHARGING STATIONS AND ASSOCIATED EQUIPMENT FROM BRIGHTFIELD TRANSPORTATION SOLUTIONS, INC. AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A DONATION AGREEMENT FOR THE SAME

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to acquire and hold any property, real or personal; and

WHEREAS, per City Council Resolution No. 18-279, the City established a goal to transition to 100% renewable energy from fossil fuel energy by December 31, 2030; and

WHEREAS, Asheville City Council adopted Resolution No. 11-77, the City establing a goal to reduce its carbon footprint; and

WHEREAS, in 2014, the City and Brightfield entered into a lease of Electronic Vehicle charging stations and associated equipment, and as the lease is terminated, Brightfield wishes to donate the equipment identified under the lease to the City; and

WHEREAS, the City desires to accept the donation from Brighfield's donation, as it will assist the city in reaching both its renewable energy and carbon reducing goals;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A donation for Electronic Vehicle charging stations and associated equipment from Brightfield Transportation Solutions, Inc. is accepted and the City Manager is hereby authorized to enter into a donation agreement for the same.

Read, approved, and adopted this the 9th day of November,, 2021.

Magdalen Bowlson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

402

RESOLUTION NO. 21- 231

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING PARKING GARAGE ELEVATOR MODERNIZATION CONSTRUCTION ADMINISTRATION SERVICES CONTRACT BETWEEN THE CITY OF ASHEVILLE AND THE WOOTEN COMPANY TO INCREASE THE CONTRACT VALUE AND EXTEND THE CONTRACT EXPIRATION DATE IN ORDER TO SATISFACTORILY COMPLETE THE ELEVATOR MODERNIZATION PROJECT.

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville and The Wooten Company have entered into a contract to provide construction administration services for the modernization of elevators within the Rankin Avenue and Wall Street Parking Garages; and

WHEREAS, additional time and services are required to satisfactorily complete the modernization project; and

WHEREAS, the City and Asheville and The Wooten Company negotiated in good faith to make revisions to the contract, as described the proposed Amendment, in order to reflect the increase cost in providing the required construction administration services; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to amend the existing Parking Garage Elevator Modernization, General Construction Contract between the City of Asheville and The Wooten Company to extend contract termination date to January 31, 2022, and increase the contract value by $12,000.00, making the total not-to-exceed value $195,550.00.

Read, approved and adopted this the 9th day of November, 2021.

Magdalen Bullock
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-232

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING PARKING GARAGE ELEVATOR MODERNIZATION GENERAL CONSTRUCTION SERVICES CONTRACT BETWEEN THE CITY OF ASHEVILLE AND PATTON CONSTRUCTION GROUP, INC. TO INCREASE THE CONTRACT VALUE AND EXTEND THE CONTRACT EXPIRATION DATE IN ORDER TO SATISFACTORILY COMPLETE THE ELEVATOR MODERNIZATION PROJECT.

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville and Patton Construction Group, Inc. have entered into a contract to provide general construction services for the modernization of elevators within the Rankin Avenue and Wall Street Parking Garages; and

WHEREAS, additional time and services are required to satisfactorily complete the modernization project; and

WHEREAS, the City and Asheville and Patton Construction Group negotiated in good faith to make revisions to the contract, as described the proposed Amendment, in order to reflect the increase cost in providing the required construction administration services; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to amend the existing Parking Garage Elevator Modernization, Construction Administration Contract between the City of Asheville and Patton Construction Group, Inc. to extend contract termination date to January 31, 2022, and increase the contract value by $45,900.00, making the total not-to-exceed value $481,489.00.

Read, approved and adopted this the 9th day of November, 2021.

Magdalen Bowlerson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

404

RESOLUTION NO. 21-233

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING PARKING GARAGE CALL CENTER SERVICES CONTRACT BETWEEN THE CITY OF ASHEVILLE AND PARKER TECHNOLOGY, LLC AND TO INCREASE THE CONTRACT AMOUNT TO REFLECT THE INCREASE IN COST TO CONTINUE TO PROVIDE THE CURRENT SERVICE LEVEL FOR THE REMAINING LIFE OF THE CONTRACT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, the City of Asheville and Parker Technology are in first year of three potential annual renewal period of the existing contract for parking garage call center services; and

WHEREAS, the number of payment kiosks at which services provided by Parker Technology will be increasing from five to twenty two; and

WHEREAS, the City and Asheville and Parker Technology negotiated in good faith to make revisions to the contract, as described the proposed Amendment 1, in order to reflect the increase cost in providing the existing level of parking garage call center services; and

WHEREAS, the changes provided in Amendment 1 are intended to improve parking garage call center service access and convenience for parking garage patrons;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to amend the existing Parking Garage Call Center Services Contract between the City of Asheville and Parker Technology, LLC and to increase the contract amount by $49,250.00, for a contract total of $115,000.00, to reflect the increase in cost to continue to provide parking garage call center services for the remaining life of the contract.

Read, approved and adopted this the 9th day of November, 2021.

Magdalen Bowlerson
City Clerk

Esther C. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

RESOLUTION NO. 21 - 234

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE FY 2022 FEDERAL TRANSIT ADMINISTRATION SECTION 5303 METROPOLITAN PLANNING PROGRAM ANNUAL FUNDS FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO FUND TRANSIT PLANNING PROGRAM ADMINISTRATION

WHEREAS, the City has authority, pursuant to N.C.G.S. §160A-17.1, to apply for and receive grants from the Federal government and to enter into contracts for the administration of said grants; and

WHEREAS, funds for Fiscal Year (FY) 2022 are available from the N.C. Dept. of Transportation (NCDOT) through the Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program; and

WHEREAS, the City of Asheville has received financial assistance in the amount of $75,000 for the cost of transit planning from the NCDOT; and

WHEREAS, the City of Asheville will comply with all applicable Federal and State requirements in accepting the grant; and

WHEREAS, the City of Asheville will provide a 10% local match in the amount of $7,500 which is budgeted in the Transit Operations Fund budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept the FY 2022 Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program annual funds from the North Carolina Department of Transportation (NCDOT) Public Transportation Division, sign all of the appropriate agreements.

Read, approved, and adopted this 9th day of November 2021.

Magdalen Bourleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

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RESOLUTION 21- 235

RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT PROPOSALS IN RESPONSE TO THE CALL FOR PROJECTS ISSUED BY THE FRENCH BROAD RIVER METROPOLITAN ORGANIZATION AND TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 2021 SECTION 5310, ARPA 5310, AND JARC GRANT PROGRAMS

WHEREAS, pursuant to N.C.G.S.§ 160A-17.1, the City is authorized to make contracts for and accept grants and loans from the federal and state governments and their agencies; and

WHEREAS, the French Broad River Metropolitan Planning Organization (FBRMPO) has announced a Call for Projects for the Federal Transit Administration FY 2021 Section 5310, ARPA Section 5310, and JARC Grant Programs; and

WHEREAS, the City has identified projects that would be eligible for these funding programs and would help fund the operating cost of paratransit and Route 170 fixed-route services; and

WHEREAS, the FTA will reimburse grant applicants for up to 50 of operating cost and 80 percent of the capital cost of projects implemented with these funding programs; and

WHEREAS, the FTA will reimburse grant applicants for up to 100% of operating expenses with ARPA funding; and

WHEREAS, the local match would come from the Transit Operations Funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is authorized to submit grant applications to French Broad River Metropolitan Planning Organization (FBRMPO), to apply to the Federal Transit Administration for:

a. FY 2021 Section 5310 Funds in the amount of $210,000, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue in the FY 22-23 Budget.

b. FY 2021 Section 5307 JARC Funds in the amount of $231,558, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue in the FY 22-23 Budget.

Read, approved, and adopted this 9th day of November 2021.

Magdalen Bullison
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullison
City Clerk

RESOLUTION NO. 21-236

RESOLUTION AUTHORIZING THE EXECUTION OF AMENDMENTS TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE FOR THE REGIONAL AIR QUALITY AGENCY

WHEREAS, the Parties are authorized to execute and enter into this Interlocal Agreement pursuant to N.C. Gen. Stat. § 160A-461; and

WHEREAS, the WNC Regional Air Quality Agency ("Agency") was initially formed effective July 1, 1970 and was comprised of the Counties of Buncombe and Haywood and the City and Asheville; and

WHEREAS, Haywood County withdrew from the arrangement in early 2000 and the program carries on under an Interlocal Agreement between Buncombe County and the City of Asheville; and

WHEREAS, a five member board ("Air Quality Board") is appointed by the member entities to oversee the administration and enforcement of the local air pollution control program pursuant to GS §143-215.112; and

WHEREAS, three members of the Air Quality Board are appointed by the County and two by the City; and

WHEREAS, the Air Quality Board is requesting certain limited amendments to the current Interlocal Agreement due to changes in membership, office location, and obligations; and

WHEREAS, the proposed amendments would change the name of the Agency to "Asheville-Buncombe Air Quality Agency," deletes paragraphs that are no longer applicable, updates the mission statement, and corrects minor typographical errors; and

WHEREAS, the City Council of the City of Asheville feels that it is in the best interest of the citizens and residents of the City of Asheville to enter into this Interlocal Agreement with the Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Mayor and City Manager, or either of them, are hereby authorized to execute the attached Interlocal Agreement.

2. The Mayor and City Manager, or either of them, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution, except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of this Resolution.

3. All acts and doings of officers, employees and agents of the City of Asheville , whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

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4. That this Resolution shall be upon its adoption.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Bullerson
City Clerk

Esther E. Marks
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

CHAPTER 1 - INTERLOCAL AGREEMENT, ORGANIZATION, ADMINISTRATION

.0101 INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF BUNCOMBE AND THE CITY OF ASHEVILLE TO CREATE A REGIONAL AIR QUALITY PROGRAM. This section, signed June 6, 2000, replaces all previous resolutions regarding the establishment of a regional air agency in Buncombe County and the City of Asheville.

WHEREAS, the County of Buncombe and the City of Asheville have determined that it is in their mutual best interest to establish a regional air quality program pursuant to the provisions of North Carolina General Statutes Section 143-215.112; and

WHEREAS, these parties do hereby enter into an interlocal agreement pursuant to the provisions of North Carolina General Statute Sections 160A-461, 160A-464, and 143-215.112 (c) (3) to create the I Asheville Buncombe Air Quality Agency for the purpose of developing and administering an air quality program in their respective jurisdictions.

NOW THEREFORE, pursuant to North Carolina General Statutes Section 143-215.112 and 160A-464 the parties hereto do hereby covenant and agree as follows:

a) **PURPOSE OF AGREEMENT:** The purpose of this Agreement is to establish, administer, and enforce a local air quality program for the County of Buncombe and City of Asheville in accordance with the provisions of North Carolina General Statutes Section 143-215.112. To that end and not inconsistent with the applicable law, the County and City approve the Mission Statement attached hereto as Exhibit A.

b) **DURATION OF AGREEMENT:** This Agreement shall become effective upon the later of July 1, 2000 or the date of certification by appropriate State agencies. It shall be automatically renewed for successive one year terms on July 1st of each calendar year unless terminated by either party given written notice of its intention to terminate to the other party no later than the first day of March of the year in which said termination is to become effective.

c) **JOINT AGENCY ESTABLISHED:** Therefore is hereby established a joint agency to be known as the Asheville Buncombe Air Quality Agency. The composition, organization, nature, and powers conferred on the Board of this Agency are set forth as follows:

(1) The Board shall consist of five members, three of whom shall be appointed by the Buncombe County Board of Commissioners and two of whom shall be appointed by the

Asheville City Council. Members shall be appointed for six-year staggered terms. Initially, one County appointee and one City appointee shall be appointed for two-year terms. One County appointee and one City appointee shall be appointed for four-year terms, and one County appointee shall be appointed for a six-year term. At the expiration of said terms, all members thereafter shall be appointed for six-year terms. Initial appointments shall be made within thirty days of ratification of this Agreement by both parties.

(2) The Board shall be responsible for its own internal organization such as the selection of a Chair, Vice Chair, and Secretary. The Board shall have authority to appoint a hearing officer who shall hear appeals on violations not settled during the "just cause" process with Agency staff. He or she shall make a recommendation to the full Board (or majority) to settle the violation. The entity issued the citation will have the opportunity to appear before the full Agency Board and present the entity's information and case on the violation in question.

(3) The Board shall have the following duties and responsibilities:

A) To select the Director according to the Buncombe County personnel policies.

B) To advise the Buncombe County Board of Commissioners and Asheville City Council in developing policies and plans to improve air quality programs.

C) To consult with the Director about problems relating to management of the Agency and to approve the budgets for the Agency.

D) To perform the functions and responsibilities enumerated in N.C.G.S. 143-215.112(c)(1).

E) To have such other duties and responsibilities as these parties may assign to it.

d) **PERSONNEL:**

(1) Staff: The parties hereto agree that since the Agency will not have a personnel office nor a personnel plan, that all Agency staff shall follow Buncombe County personnel policies and procedures and be employees of Buncombe County. To that end, the parties further agree:

A) That the Agency Board will adopt by reference the rules, regulations and procedures applicable to Buncombe County employees for the purpose of personnel administration.

B) Buncombe County's personnel department will administer the position classification plan, leave policies, compensation and benefits and personnel records and reporting requirements of the Agency at the direction of the Agency Director.

C) The Director of the Agency shall have the authority to employ and discharge staff in keeping with the rules, regulations and procedures referenced in subparagraph (1) above.

(2) Director: The Director shall be hired by the Board. The entire Board must be present and vote to hire or fire the Director. The Director of the Agency shall be subject to the Buncombe County personnel plan in all respects except for the fact that he or she shall be hired by the Board and shall serve at the pleasure of the Board, and the Board shall establish his or her terms of employment.

e) **COUNTY SUPPORT SERVICES:** Buncombe County will provide all bookkeeping, financial, payroll, and other services as necessary for the Agency. The Agency will reimburse the County in accordance with the County's indirect cost allocation plan that is approved for use for grant funds. The Agency's annual budget shall reflect and maintain a fund balance at least equal to 8% of the Agency's total annual operating budget. The parties hereto anticipate that the Agency will generate sufficient revenues from inspection fees, permits, and federal grants to be self-supporting: but in the event that it is not self-supporting, the Board shall provide the parties hereto at least ninety days notice of any expected shortfall. Each party shall determine if funding is to be made to the Agency from their respective budgets in proportional to their representation on the Board. If either party declines to provide such funding this failure to contribute shall be considered withdrawal of that party to this Agreement subject to the notice requirements in Paragraphs (2) and (10).

f) **OWNERSHIP OF PROPERTY:** The parties hereto agree that the Agency shall not become the owner of any real property and in the event of termination of this Agreement the personal property owned by the Agency will become the property of these parties on a per capita basis.

g) **AMENDMENTS:** This Agreement may be amended by consent of both parties.

h) **TERMINATION:** This Agreement may be terminated as heretofore provided in Paragraph b).

i) **ADDITIONAL REGULATIONS SHALL BE SUBMITTED TO BOTH GOVERNING BODIES:** If the Board should determine that additional regulations not mandated by United States or North Carolina law are necessary for the effective control of air quality, the Board shall summit its recommendation concerning such proposed regulations to the Buncombe County Board of Commissioners and Asheville City Council for their review at least 30 days prior to the Board holding a public hearing to consider adopting said regulations.

WNCRAQA History Note *Effective date: from and after September 15, 2000.*
Amended Eff. November 8, 2021; January 1, 2007.

RESOLUTION NO. 21-237

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF VOLUNTARY ANNEXATION OF PROPERTY LOCATED AT 99999 SWEETEN CREEK ROAD PURSUANT TO N.C.G.S. 160A-31

WHEREAS, a request for annexation of the contiguous area described herein has been received; and

WHEREAS, the request is initiated by the City of Asheville for city owned property described herein; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at 5:00 PM on the 14th day of December 2021, in the Council Chamber, located on the 2nd Floor of City Hall.

Section 2. The area proposed for annexation is as described on "Exhibit A - Boundary Description" attached hereto. A survey of the same subject property is attached hereto as "Exhibit B - Survey".

Section 3. Notice of the public hearing shall be published in the Asheville Citizen-Times, a newspaper having general circulation in the City of Asheville, at least ten (10) days prior to the date of the public hearing.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Burleson
City Clerk

Esther C. Manheimer
Mayor

Approved as to form:

City Attorney

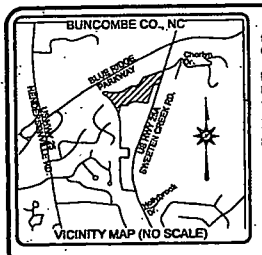
Magdalen Burleson
City Clerk

Exhibit A - Boundary Description
99999 Sweeten Creek Road

Beginning at an existing concrete monument with disc stamped USDI NPS (2R BRP 41 3/8), said monument being a common corner of the Blue Ridge Parkway (National Park Service) and Carolina Day School, Inc. (now or formerly, see Deed Book 4146, Page 429), said monument being located S 37°43'49" E a distance of 2,574.39' (2,573.83' Grid) from NCGS "Buena Vista" having NC Grid Coordinates [NAD83(2011)] N= 665,398.52 USft, E= 950,083.26 USft;
thence, from said point of Beginning, with the Blue Ridge Parkway line, S 83°50'48" E a distance of 289.63' to an existing concrete monument (BRP 40);
thence N 80°42'15" E a distance of 172.06' to an existing concrete monument (BRP 39);
thence N 54°11'09" E a distance of 202.00' to an existing concrete monument (BRP 38);
thence S 88°37'29" E a distance of 132.23' to an existing concrete monument (BRP 37);
thence N 47°32'15" E a distance of 96.89' to an existing concrete monument (BRP 36);
thence N 33°18'58" E a distance of 176.57' to an existing concrete monument (BRP 35);
thence N 72°20'57" E a distance of 435.89' to an existing concrete monument (BRP 34);
thence S 70°39'08" E a distance of 49.49' to a point in the center of US Hwy 25A (Sweeten Creek Rd.);
thence, with the centerline of the road, S 18°04'58" W a distance of 44.68' to a point;
thence S 18°01'53" W a distance of 141.04' to a point;
thence S 17°52'39" W a distance of 84.69' to a point;
thence, leaving the centerline of the road, S 75°25'45" W a distance of 35.59' to a rebar with cap set;
thence S 75°25'45" W a distance of 118.63' to a rebar with cap set;
thence S 17°55'59" W a distance of 452.60' to a rebar with cap set;
thence N 79°13'30" W a distance of 80.96' to a rebar with cap set;
thence N 82°33'47" W a distance of 111.31' to a rebar with cap set;
thence N 85°43'33" W a distance of 62.28' to a rebar with cap set;
thence N 86°28'09" W a distance of 38.93' to a point;
thence N 89°42'37" W a distance of 25.30' to a rebar with cap set;
thence S 82°23'44" W a distance of 32.54' to a point;
thence S 72°29'11" W a distance of 33.91' to a rebar with cap set;
thence S 61°52'35" W a distance of 30.89' to a point;
thence S 54°47'59" W a distance of 30.85' to a rebar with cap set;
thence S 44°30'14" W a distance of 28.28' to a point;
thence S 36°01'18" W a distance of 36.33' to a rebar with cap set;
thence N 78°58'53" W a distance of 154.75' to a rebar with cap set;
thence S 12°39'01" W a distance of 45.73' to a rebar with cap set;
thence S 12°39'01" W a distance of 177.64' to a point on the centerline of the Norfolk Southern railroad;
thence, with the centerline of the railroad, N 18°31'42" W a distance of 34.86' to a point;
thence N 20°36'58" W a distance of 48.06' to a point;
thence N 23°54'26" W a distance of 53.01' to a point;
thence N 26°35'54" W a distance of 32.61' to a point;
thence N 28°07'17" W a distance of 30.91' to a point;
thence N 29°34'15" W a distance of 19.89' to a point;
thence N 30°42'19" W a distance of 19.89' to a point;
thence N 32°04'45" W a distance of 46.35' to a point;
thence N 35°05'04" W a distance of 41.23' to a point;
thence N 37°24'34" W a distance of 31.39' to a point;
thence N 38°57'43" W a distance of 19.16' to a point;
thence N 40°08'25" W a distance of 19.17' to a point;
thence N 41°27'57" W a distance of 30.59' to a point;
thence N 43°53'50" W a distance of 34.83' to a point;
thence N 46°17'35" W a distance of 38.30' to a point;

thence N 48°07'53" W a distance of 38.14' to a point;
thence N 51°28'42" W a distance of 39.72' to a point;
thence N 53°34'58" W a distance of 34.64' to a point;
thence N 55°26'00" W a distance of 26.41' to a point;
thence N 49°59'34" E a distance of 45.27' to the point of Beginning;
containing 10.88 acres, more or less, according to a survey by Elisabeth G. Turner, L-4440 of Turner Land Surveying, PLLC, P-0702 in Swannanoa, NC and a plat titled "Exempt Subdivision for the City of Asheville & Carolina Day School, Inc., 2351 Sweeten Creek Rd." dated June 3, 2021 and recorded in Plat Book 219, Page 57 of the Buncombe County Register of Deeds.

219/57



REVIEW OFFICER CERTIFICATION

State of North Carolina
County of Buncombe

I, Courtney S. Gibson, Review Officer of Buncombe County, certify that this map or plat to which this certification is affixed, meets all statutory requirements for recording for which the Review Officer has responsibility as provided by law.

C. Savannah Gibson 7/2/21
Review Officer — Date

EXEMPT CERTIFICATION

Exempt from the Buncombe County Land Development and Subdivision Ordinance.

C. Savannah Gibson 7/2/21
County Planner — Date

Registered this the 2 day of July 2021 at 12:51 P.M. Recorded in Plat Book 219 Page 57
Register of Deeds
Deputy

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 49°59'34" E	45.27'
L2	N 47°32'15" E	96.89'
L3	S 70°39'08" E	49.49'
L4	S 18°04'58" W	44.68'
L5	S 17°52'39" W	84.69'
L6	N 79°13'30" W	80.96'
L7	N 85°43'33" W	62.28'
L8	N 86°28'09" W	38.93'
L9	N 89°42'37" W	25.30'
L10	S 82°23'44" W	32.54'
L11	S 72°29'11" W	33.91'
L12	S 61°52'35" W	30.89'
L13	S 54°47'59" W	30.85'
L14	S 44°30'14" W	28.28'
L15	S 36°01'18" W	36.33'
L16	N 78°58'53" W	154.75'
L17	N 18°31'42" W	34.86'
L18	N 20°36'58" W	48.06'
L19	N 23°54'26" W	53.01'
L20	N 26°35'54" W	32.61'

LINE TABLE		
LINE	BEARING	DISTANCE
L21	N 28°07'17" W	30.91'
L22	N 29°34'15" W	19.89'
L23	N 30°42'19" W	19.89'
L24	N 32°04'45" W	46.35'
L25	N 35°05'04" W	41.23'
L26	N 37°24'34" W	31.39'
L27	N 38°57'43" W	19.16'
L28	N 40°08'25" W	19.17'
L29	N 41°27'57" W	30.59'
L30	N 43°53'50" W	34.83'
L31	N 46°17'35" W	38.30'
L32	N 48°07'53" W	38.14'
L33	N 51°28'42" W	39.72'
L34	N 53°34'58" W	34.64'
L35	N 55°26'00" W	26.41'

Doc ID: 034005800001 Type: CRP
Recorded: 07/02/2021 at 12:50:03 PM
Fee Amt: $21.00 Page 1 of 1
Workflow# 0000705889-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 219 PG 57

CERTIFICATE OF SURVEY AND ACCURACY:

I, Elisabeth G. Turner, certify that this map was drawn under my supervision from an actual survey made under my supervision (Deed Description recorded in Book 4146, Page 429); that the boundaries not surveyed are clearly indicated as drawn from information shown on the face of this map; that the traverse ratio of precision is 1: 60,205; that the global positioning system (GPS) survey performed to establish the grid tie for the traverse used the information shown below; and that this plat was prepared in accordance with G.S. 47-30 as amended.

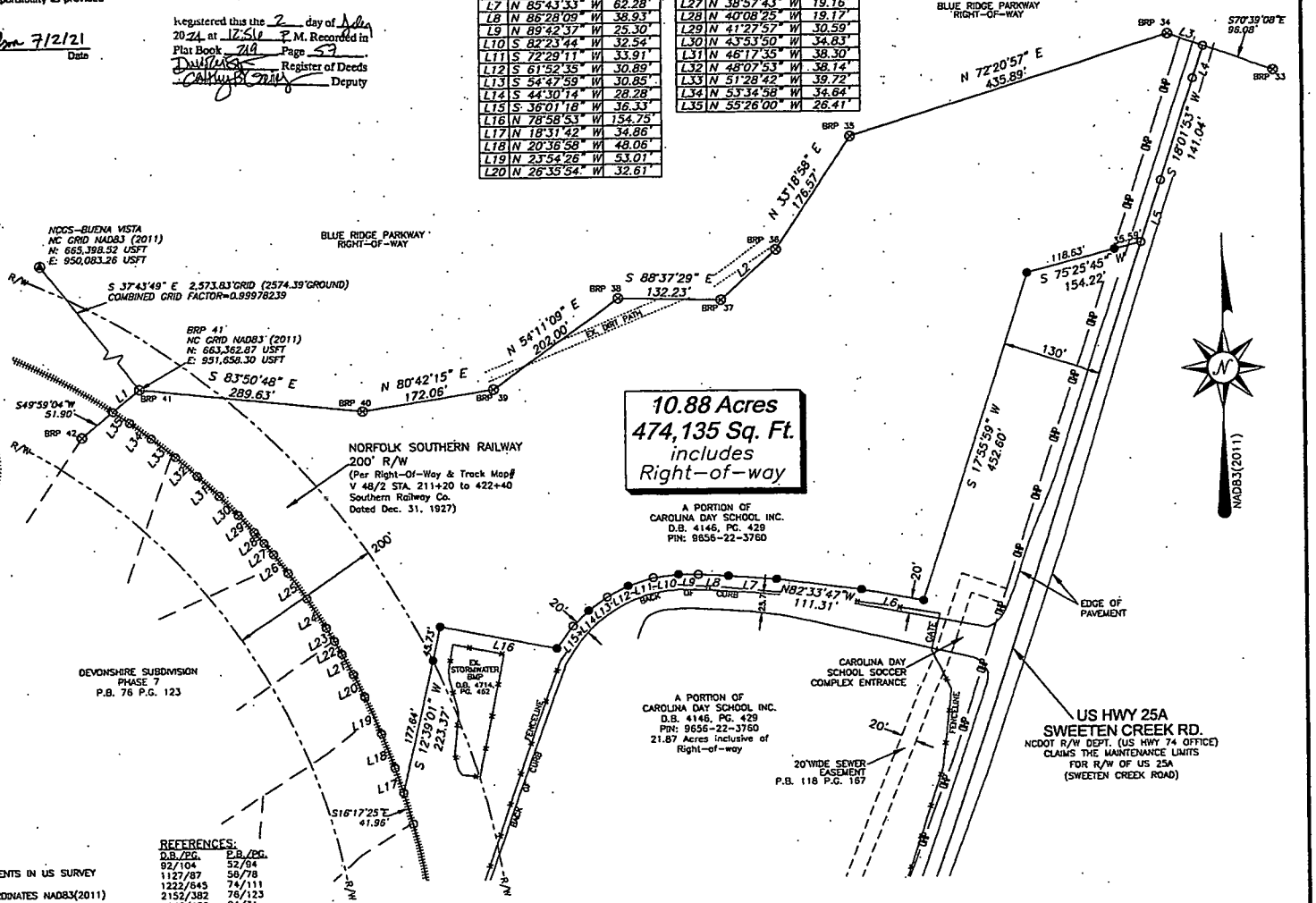
(1) Class of Survey: Class A
(2) Positional accuracy at 95% confidence level: Horizontal= 0.017 USFT, Vertical= 0.035 USFT
(3) Type of GPS field procedure: Real-Time Kinematic(RTK)VRS
(4) Dates of survey: March 2021
(5) Datum/Epoch: NAD83 (2011) / 2021
(6) Published/Fixed-Control use: NCGS BUENA VISTA Northing= 663,398.52 USFT, Eastings= 950,083.26 USFT, Elev.= 2171.37
(7) GEOID Model: GEOID12b
(8) Combined Grid Factor: 0.99978239
(9) Units: US FEET

I also hereby certify that this plat is of one of the following: G.S. 47-30 (f)(11)(d). That this survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption or exception to the definition of subdivision.

Witness my original signature, registration number, and seal this 3rd day of June, 2021.

Elisabeth G. Turner
ELISABETH G. TURNER, P.L.S. #L-4440

NORTH CAROLINA PROFESSIONAL SEAL L-4440 LAND SURVEYOR ELISABETH G. TURNER


NCGS–BUENA VISTA
NC GRID NAD83 (2011)
N: 663,398.52 USFT
E: 950,083.26 USFT
S 37°43'49" E 2,573.83'GRID (2574.39'GROUND)
COMBINED GRID FACTOR=0.99978239
BLUE RIDGE PARKWAY RIGHT-OF-WAY
BRP 41
NC GRID NAD83 (2011)
N: 663,362.87 USFT
E: 951,658.30 USFT
S 83°50'48" E 289.63'
N 80°42'15" E 172.06'
N 54°11'09" E 203.00'
S 88°37'29" E 132.23'
N 35°18'59" E 176.57'
N 72°20'57" E 435.89'
S70°39'08"E 98.08'
S 75°25'45" W 154.22'
S 18°01'53" W 141.04'
S 17°55'59" W 452.60'
N82°33'47"W 111.31'
S49°59'04"W 51.90'
S16°17'25"E 41.95'
S 12°39'01" W 223.37'
177.64'
NORFOLK SOUTHERN RAILWAY
200' R/W
(Per Right-Of-Way & Track Map# V 48/2 STA. 211+20 to 422+40 Southern Railway Co. Dated Dec. 31, 1927)
DEVONSHIRE SUBDIVISION PHASE 7 P.B. 76 P.G. 123
EX. STORMWATER END D.B. 4714, PG. 462
BACK OF CURB
FENCELINE
EDGE OF PAVEMENT
A PORTION OF CAROLINA DAY SCHOOL INC. D.B. 4146, PG. 429 PIN: 9656-22-3760
A PORTION OF CAROLINA DAY SCHOOL INC. D.B. 4146, PG. 429 PIN: 9656-22-3760 21.87 Acres Inclusive of Right-of-way
CAROLINA DAY SCHOOL SOCCER COMPLEX ENTRANCE
20'WIDE SEWER EASEMENT P.B. 118 P.G. 167
US HWY 25A SWEETEN CREEK RD.
NCDOT R/W DEPT. (US HWY 74 OFFICE) CLAIMS THE MAINTENANCE UNITS FOR R/W OF US 25A (SWEETEN CREEK ROAD)
10.88 Acres
474,135 Sq. Ft.
includes Right-of-way
NADB3(2011)

LEGEND:

- PROPERTY LINE
- ADJOINER PROPERTY LINE
- EXISTING EASEMENT
- RIGHT-OF-WAY (R/W)
- OHP — OVERHEAD POWER LINE
- FENCELINE
- DIRT PATH
- ●RBCS — REBAR WITH CAP SET
- ⊖ — PROPERTY CORNER (FOUND & DESCRIBED)
- ⊗BRP — BLUE RIDGE PARKWAY 2R NPS MONUMENT
- O — CALCULATED CORNER
- EIP — EX. IRON PIPE
- ERB — EX. IRON REBAR
- N/F — NOW OR FORMERLY

SURVEYOR'S NOTES:

1. ALL DISTANCES AND COORDINATES ARE GROUND MEASUREMENTS IN US SURVEY FEET UNLESS OTHERWISE NOTED.
2. THE BASIS OF BEARINGS IS NCGS STATE PLANE GRID COORDINATES NAD83(2011) DATUM.
3. AREAS CALCULATED BY THE COORDINATE METHOD.
4. PROPERTY SUBJECT TO ALL EASEMENTS, RIGHT OF WAYS AND RESTRICTIONS THAT ARE RECORDED, UNRECORDED, WRITTEN AND UNWRITTEN.
5. LINES NOT SURVEYED ARE SHOWN AS A DASHED LINETYPE AND WERE TAKEN FROM INFORMATION REFERENCED ON THE FACE OF THIS PLAT.
6. BUNCOMBE COUNTY GIS WEBSITE USED TO IDENTIFY ADJOINING PROPERTY OWNERS.
7. THE PROFESSIONAL SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS, RIGHT OF WAYS, ENCUMBERANCES, RESTRICTIVE COVENANTS, CORRECT OWNERSHIP OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. A NC LICENSED ATTORNEY SOULD BE CONSULTED.
8. BY GRAPHIC DETERMINATION, THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) AS DETERMINED BY F.E.M.A. MAP# 3700965500J REVISED 01/06/2010.
9. UTILITIES WERE LOCATED BASED ON VISIBLE ABOVE GROUND STRUCTURES, THEREFORE THE LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE OR MAY BE PRESENT AND NOT SHOWN HEREON. CALL 1-800-632-4949 BEFORE DIGGING

REFERENCES:

D.B./PG.	P.B./PG.
92/104	52/84
1127/87	56/78
1222/645	74/111
2152/382	76/123
4146/429	84/31
4418/1041	115/146
4555/757	118/167
4714/462	139/200

National Park Service–Blue Ridge Parkway Right-of-Way Map # 2R-9

Southern Railway Right-of-Way and Track Map V48_02-3, revised Dec. 31, 1936

Owner:
Carolina Day School Inc.
1345 Hendersonville Rd
Asheville, NC 28803
D.B. 4146, Pg. 429
PIN: 9656-22-3760
ZONE: R-2

*THE PURPOSE OF THIS PLAT IS TO REVISE THE US 25A R/W WIDTH SHOWN ON A PREVIOUSLY RECORDED PLAT IN P.B. 219, PG. 37

100' 0' 100'
SCALE: 1 inch = 100 feet

PLAT BOOK 219, PAGE 57.

TURNER LAND SURVEYING
P.O. BOX 148
SWANNANOA, NC 28778
P-0702 (919)-827-0745
www.TurnerLandSurveying.com
Certified DBE/WBE

SURVEY:	MARCH 2021	DRAWN BY: DST/EGT/KAG	TLS PROJ.:	21-011
SURVEYED BY:	NCU/EHK/CPG	REVIEWED BY:	EGT	PLAT DATE: 06/03/2021

EXEMPT SUBDIVISION FOR
THE CITY OF ASHEVILLE & CAROLINA DAY SCHOOL, INC.
2351 SWEETEN CREEK RD.
P.I.N.: 9656-22-3760

LIMESTONE TOWNSHIP — BUNCOMBE COUNTY — NORTH CAROLINA

CAD FILE: 2351 SWEETEN CK_SUB_F.DWG
SCALE: 1"=100'
SHEET 1 of 1

RESOLUTION NO. 21-238

RESOLUTION AMENDING THE RULES OF PROCEDURE OF THE ASHEVILLE CITY COUNCIL

WHEREAS, the Asheville City Council is authorized pursuant to N.C. Gen. Stat. sec. 160A-71, 160A-81, and 160A-81.1 to adopt rules of procedure, including rules governing public hearings; and

WHEREAS, the City Council has determined that it is in their best interest to amend its rules of procedure to be in conformance with state law and current Council practice regarding public hearings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Rule 27 of the Rules of Procedure be and is hereby amended as follows:

27. PUBLIC HEARINGS. Public hearings required by law or deemed advisable by the council may be organized by a resolution, adopted by a majority vote, that sets forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time for each speaker, and other pertinent matters. The rules may include, but are not limited to, rules (a) fixing the maximum time allotted to each speaker; (b) providing for the designation of spokespersons for groups of persons supporting or opposing the same positions; (c) providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall (so long as arrangements are made for those excluded from the hall to listen to the hearing); and (d) providing for the maintenance of order and decorum in the conduct of the hearing.

Unless different rules are established by the council for the conduct of a public hearing, the time restrictions set forth in Rule 7 regarding public address to the council shall apply.

All notice and other requirements of the Open Meetings Law applicable to council meetings shall also apply to public hearings at which a majority of the council is present. A public hearing for which any notices required by the Open Meetings Law or other provisions of law have been given may be continued to a time and place certain without further advertisement. The requirements of Rule 2(c) shall be followed in continuing a hearing at which a majority of the council is present.

At the time appointed for the hearing, the mayor or his or her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the presiding officer shall declare the hearing ended.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Bullion
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 21-239

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S AMENDED ANNUAL ACTION PLAN FOR 2020-2021 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED ANNUAL ACTION PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is the Lead Entity on behalf of the Asheville Regional Housing Consortium (ARHC) for the federal Home Investment Partnerships Program (HOME); and

WHEREAS, each year, the City must submit to the U.S. Department of Housing and Urban Development (HUD) an Annual Action Plan detailing its proposed use of CDBG and HOME funds for the upcoming fiscal year; and

WHEREAS, the City desires to amend the FY 20-21 Annual Action Plan (AAP) and correct and properly assign $225,000 in HOME program income received from Battery Park Apartments to the FY18-19 program year and adjust FY20-21 funding to reflect this change; and

WHEREAS, a public hearing has been held on November 9, 2021, to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the submission to HUD of the Amended Annual Action Plan for 2020-21.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the Amendment to the FY20/21 Annual Action Plan.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Bullion
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bullion
City Clerk

RESOLUTION NO. 21-240

RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S AMENDED ANNUAL ACTION PLAN FOR 2021-2022 TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE CONSOLIDATED ANNUAL ACTION PLAN

WHEREAS, the City of Asheville is an Entitlement City for the federal Community Development Block Grant (CDBG) program and is the Lead Entity on behalf of the Asheville Regional Housing Consortium (ARHC) for the federal Home Investment Partnerships Program (HOME); and

WHEREAS, each year, the City must submit to the U.S. Department of Housing and Urban Development (HUD) an Annual Action Plan detailing its proposed use of CDBG and HOME funds for the upcoming fiscal year; and

WHEREAS, the amendment is to move $133,816.53 in additional CDBG funds to contingency to be allocated next spring in the FY22-23 application cycle and update the HOME funds allocation; and

WHEREAS, a public hearing has been held on November 9, 2021, to obtain citizen input and comments on the draft plan, and the draft plan has been made available to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves the submission to HUD of the Amended Annual Action Plan for 2021-22 which is attached hereto as Exhibit A.
2. City Council authorizes the City Manager to sign all contracts and grant and loan agreements, after approval by the City attorney, with HUD and other designated agencies for the Amendment to the FY21/22 Annual Action Plan.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Bowlerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlerson
City Clerk

SUMMARY OF ANNUAL ACTION PLAN FOR 2021-2022 (Exhibit A)

CDBG PROGRAM

Projected Revenue:

Estimated FY21-22 Program Income	$100,000
CDBG Entitlement Grant	$1,037,995
Additional CDBG Allocation May 2021	**$15,296**
Remaining Balances from FY20/21	**$3,891.53**
Previous Year Rescinded Grant	**$14,629**
Total CDBG Funds Available:	**$1,171,811.53**

Proposed Use of Funds:

2021-2022 PROGRAM	Funding Recommendations
Asheville-Buncombe Community Land Trust -Permanently Affordable Housing Services	$39,184
Asheville Area Habitat for Humanity - Affordable Home Repairs for Low Income	$128,000
Caring for Children, Inc. - Trinity Place Runaway and Homeless Youth Shelter	$15,000
Carolina Small Business Development - Western Women's Business Center (WWBC)	$100,000
Eagle Market Streets Development - EMSDC Incubate to Innovate	$25,000
Eliada Homes, Inc. - Eliada Homeless Services	$22,272
Getting Back to the Basics- Project Lighten Up After School Virtual Learning	$10,000
Haywood Street Congregation (HSC) -Haywood Street Respite (HSR)	$15,000
Helpmate, Inc. - Emergency Shelter for Domestic Violence Survivors	$17,500
Helpmate, Inc. - Housing Case Management for Domestic Violence	$49,241
Homeward Bound of WNC - AHOPE Coordinated Entry	$33,199
Homeward Bound of WNC - Housing Services - Permanent Supportive Housing	$81,000
Mountain BizWorks - Opportunity Asheville: Expanding Access to Small Business	$100,000
Mountain Housing Opportunities, Inc. - Emergency Home Repair	$95,000
OnTrack Financial Education & Counseling - Housing & Financial Capabilities Program	$15,000
Partners Unlimited, Inc. - Academic Enhancement Program	$10,000
Pisgah Legal Services - Homeless Prevention Project	$20,000
SPARC Foundation,Inc. - Changing Together Program	$20,000
YWCA of Asheville and WNC - Empowerment Child Care Program	$15,000
City of Asheville- CDBG Planning and Administration	$227,559
CDBG Contingency	$133,816.53
RECOMMENDED FUNDING	**$1,171,811.53**

HOME INVESTMENT PARTNERSHIP PROGRAM

Projected Revenue:

Estimated Program Income	$134,000
New HOME Entitlement Grant	$1,296,760
Total HOME Funds Available:	**$1,430,760**

Proposed Use of Funds:

2021-2022 PROGRAM	Funding Recommendations
Asheville Buncombe Community Land Trust (FY20/21 Amendment)	$202,500
Commonwealth Development - Fairhaven Summit	$400,000
Community Housing Coalition of Madison Co. - Rural Replacement Housing	$205,614
Eliada Homes, Inc. - Eliada Homeless Services	$20,208
Housing Assistance Corporation (HAC)	$100,000
Helpmate, Inc. - Rental Assistance for Domestic Violence	$110,362
Homeward Bound of WNC, - HOME Asheville - Tenant Based Rental Assistance	$80,000
Homeward Bound of WNC, - HOME Buncombe - Tenant Based Rental Assistance	$100,000
Housing Authority of the City of Asheville, - Tenant Based Rental Assistance Mobility	$75,000
City of Asheville - HOME Planning and Administration	$137,076
RECOMMENDED FUNDING	**$1,430,760**

RESOLUTION NO. 21 - 241

RESOLUTION AUTHORIZING EXECUTION AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO CONSOLIDATE 911 SERVICES

WHEREAS, cities and counties are authorized to enter into joint undertakings as authorized by N.C. Gen. Stat. § 153A-445 and N.C. Gen. Stat. § 160A-461; and

WHEREAS, the County and City wish to consolidate their 911 services in Buncombe County in order to provide the highest quality 911 service; and

WHEREAS, both parties agree that the County shall be responsible for receiving and dispatching all calls for service for the City and County including Emergency Medical Services, and the Asheville Police and Fire Departments; and

WHEREAS, County and the City leadership have agreed that a 911 Call Center Consolidation is a mutually beneficial path for public safety entities in Buncombe County. The Parties agree that the benefit of 911 Call Center Consolidation include:

- Eliminate call transferring
- Staffing improvements to provide enhanced coverage for 24/7 operations
- More consistent and effective service delivery
- Greater opportunities for interagency response and backup
- Better data sharing between agencies and responders in the field
- Enhanced interoperability and ability to share information across jurisdictions
- Expanding opportunities for alternate response methods through consolidated training and procedures
- Enhanced opportunity to leverage 911 Fund allocation

WHEREAS, this Agreement establishes each party's commitment to Consolidation and sets forth the basic plan to consolidate personnel, share costs and an implementation timeline;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor and City Manager, or either of them, is hereby authorized to enter into an interlocal agreement with Buncombe County to consolidate 911 services, effective January 1, 2022.

Read, approved and adopted this the 9th day of November, 2021.

Magdalen Bullerson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullerson
City Clerk

RESOLUTION NO. 21- 242

RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of Max Haner and Nian Avery, as members of the Alcoholic Beverage Control Board, will expire on November 13, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Max Haner is hereby reappointed as a member of the Alcoholic Beverage Control Board to serve an additional three-year term, term to expire November 13, 2024, or until Max Haner's successor has been appointed.

Nian Avery is hereby reappointed as a member of the Alcoholic Beverage Control Board to serve a three-year term, term to expire November 13, 2024, or until Nian Avery's successor has been appointed.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

424

RESOLUTION NO. 21- 243

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, Sarah Leone Katzmark, Alternate member of the Board of Adjustment, has resigned thus leaving an unexpired term until January 21, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Andrew Garrard is hereby appointed as an Alternate member to the Board of Adjustment serve the unexpired term of Sarah Leone Katzmark, term to expire January 21, 2022, and then a full three-year term, term to expire January 21, 2025, or until Andrew Garrard's successor has been appointed.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Burleson
CITY CLERK

Esther G Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Burleson
City Clerk

RESOLUTION NO. 21- 244

RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the term of Joell Steininger, VA administrative representative on the Homeless Initiative Advisory Committee, expired on November 1, 2021; and

WHEREAS, Dale Davidson resigned as a member of the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Joell Steininger is hereby reappointed as a member of the Homeless Initiative Advisory Committee as the VA administrative representative, to serve a three-year term, term to expire November 1, 2024, or until Joell Steininger's successor has been appointed.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Bourneson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourneson
City Clerk

RESOLUTION NO. 21-245

RESOLUTION ACCEPTING FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT HOME-ARP PROGRAM TO DEVELOP AND MANAGE THE LOCAL HOME-ARP ALLOCATION PLAN

WHEREAS, the City of Asheville is the Participating Jurisdiction for the federal HOME Investment Partnerships (HOME) program; and

WHEREAS, a Special Allocation of HOME funds (HUD HOME ARP) has been allocated to the City of Asheville as part of the federal American Rescue Plan Act of 2021; and

WHEREAS, this allocation in the amount of $4,699,862 is to to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter; and

WHEREAS, 5% of these funds, $234,993.10, can be used for upfront planning and administration costs and have been received by HUD to prepare for a plan

WHEREAS, the Community Development staff, in partnership with the Asheville Regional Housing Coalition (ARHC), must submit a plan to HUD to be fully awarded this special allocation; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. City Council approves acceptance of $4,699,882 from the HOME-ARP Program.
2. City Council designates the use of $234,993.10 for eligible administrative and planning costs necessary for the development of a local HOME-ARP allocation plan to be submitted to HUD as a future amendment to the FY21-22 Annual Action Plan.
3. City Council authorizes the City Manager to sign all contracts and agreements, after approval by the City attorney, for the acceptance and use of these funds.

Read, approved and adopted this 9th day of November, 2021.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-246

RESOLUTION ADOPTING THE 2022 CITY COUNCIL MEETING SCHEDULE

WHEREAS, the Asheville City Council is authorized, pursuant to N. C. Gen. Stat. sec. 160A-71, to fix the time and place for its regular meetings;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The following schedule of the meetings of the Asheville City Council for 2020 be, and the same is, hereby established as follows:

City Council Formal Meetings
5:00 p.m.
2nd and 4th Tuesdays of each month
Council Chamber – 2nd Floor
City Hall Building, Asheville, N.C.

BE IT FURTHER RESOLVED THAT:

The following meetings are hereby cancelled: Tuesday, July 12, 2022; Tuesday, August 9, 2022; Tuesday, November 22, 2022; and Tuesday, December 27, 2022.

This schedule may be amended or modified by resolution.

Read, approved and adopted this 14th day of December, 2021.

Magdalen Bourleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

428.

RESOLUTION NO. 21-247

RESOLUTION APPROVING THE 2021 RECORDS RETENTION AND DISPOSITION SCHEDULE FOR GENERAL RECORDS SCHEDULE FOR LOCAL GOVERNMENT AGENCIES AND PROGRAM RECORDS SCHEDULE FOR LOCAL GOVERNMENT AGENCIES BOTH ISSUED OCTOBER 1, 2021, BY THE N.C. DEPT. OF NATURAL & CULTURAL RESOURCES

WHEREAS, N.C. Gen. Stat. sec. 121-5 mandates that records defined under Chapter 132 may be disposed of only in accordance with an official retention schedule; and

WHEREAS, in an effort to promote good municipal records management, the N.C. Dept. of Natural & Cultural Resources (NCDNCR) has updated their 2012 schedule; and

WHEREAS, in addition to the 2021 General Records Schedule for Local Government Agencies Schedule, the NCDNCR has also created a new retention schedule called the 2021 Program Records Schedule for Local Government Agencies which contains specific functions of government at the county and municipal levels, in particular a standard for Law Enforcement records; and

WHEREAS, it is in the best interest of the City of Asheville to promote municipal records management as provided by the NCDNCR;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The 2021 General Records Schedule for Local Government Agencies issued October 1, 2021, by the N.C. Dept. of Natural & Cultural Resources be adopted and approved in total. This new version supercedes the schedule adopted in 2012.

2. The 2021 Program Records Schedule for Local Government Agencies issued by the N.C. Dept. of Natural & Cultural Resources be adopted and approved in total.

3. The Mayor of the City of Asheville be authorized to execute the Agreements by and between the N.C. Dept. of Natural & Cultural Resources and the City of Asheville, which agreements are attached hereto and made a part hereof.

4. Any and all previous resolutions adopted that are inconsistent or in conflict with this resolution are hereby repealed.

Read, approved and adopted this 14th day of December, 2021.

Magdalen Bellamy
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bellamy
City Clerk

RECORDS RETENTION AND DISPOSITION SCHEDULE

PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

Issued By:

NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

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Program Records Schedule:
Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 Program Records Schedule: Local Government Agencies:**

10. Airport Authority Records
11. Animal Services Records
12. Code Enforcement and Inspection Records
13. Emergency Medical Services and Fire Department Records
14. Parks and Recreation Records
15. Planning and Regulation of Development Records
16. Public Housing Authorities, Redevelopment Commissions, and Entitlement Communities Records
17. Public Transportation Systems Records
18. Public Utilities and Environmental/Waste Management Records
19. Street Maintenance, Public Works, and Engineering Records
20. Law Enforcement Records (excluding Sheriff's Offices)
21. Tax Records (for municipalities)

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

N.C. Gen. Stat. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

"(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means."

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions
Records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

Electronic Records
All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, N.C. Gen. Stat. § 132-6.1(a) specifies:

> "Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software."

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies
All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when *"reference value ends."* All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction *"destroy when reference value ends."* If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction *"destroy when reference value ends."*

Record Copy
A record copy is defined as "The single copy of a document, often the original, that is designated as the official copy for reference and preservation."[1] The record copy is the one whose retention and disposition is mandated by these schedules; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social

[1] Society of American Archivists, *Dictionary of Archives Terminology*.

media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as "record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use."[2]

North Carolina has a broad definition of public records. However, the Department of Natural and Cultural Resources recognizes that some records may have little or no long-term documentary or evidential value to the creating agency. These records are often called transitory records. They may be disposed of according to the guidance below. However, all public employees should be familiar with their appropriate retention schedule and any other applicable guidelines for their office. If there is a required retention period for these records, that requirement must be followed. When in doubt about whether a record is transitory or whether it has special significance or importance, retain the record in question and seek guidance from a DNCR records analyst.

Routing slips and transmittal sheets adding no information to that contained in the transmitted material have minimal value after the material has been successfully transmitted. These records may be destroyed or otherwise disposed of after receipt of the material has been confirmed. Similarly, "while you were out" slips, memory aids, and other records requesting follow-up actions (including voicemails and calendar invites) have minimal value once the official action these records are supporting has been completed and documented. These records may be destroyed or otherwise disposed of once the action has been resolved.

Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary's seal), they must be retained according to the disposition instructions for the records series encompassing the forms' function.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. These schedules supersede previous versions of these schedules and any localized amendments; they are to remain in effect from the date of approval until they are reviewed and updated.

[2] Ibid.

APPROVAL RECOMMENDED

Magdalen Bellerson
Municipal/County Clerk or Manager
Title: City Clerk

Sarah E. Koonts
Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

Head of Governing Body
Title: _____

D. Reid Wilson
D. Reid Wilson, Secretary
Department of Natural and Cultural Resources

County/Municipality: _____

Effective: October 1, 2021

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RECORDS RETENTION AND DISPOSITION SCHEDULE

GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

Issued By:

NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

2021 General Records Schedule:
Local Government Agencies

The records retention and disposition schedules and retention periods governing the records series listed herein are hereby approved. This approval extends to and includes the following standards in the **2021 *General Records Schedule: Local Government Agencies***:

1. Administration and Management Records
2. Budget, Fiscal, and Payroll Records
3. Geographic Information System Records
4. Human Resources Records
5. Information Technology Records
6. Legal Records
7. Public Relations Records
8. Risk Management Records
9. Workforce Development Records

In accordance with the provisions of Chapters 121 and 132 of the *General Statutes of North Carolina*, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

Destructions

G.S. § 121-5 authorizes the Department of Natural and Cultural Resources to regulate the destruction of public records. Furthermore, the local government agency agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. The North Carolina Administrative Code states:

"(a) Paper records which have met their required retention requirements and are not subject to legal or other audit holds should be destroyed in one of the following ways:

1. burned, unless prohibited by local ordinance;
2. shredded, or torn up so as to destroy the record content of the documents or material concerned;
3. placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned; or
4. sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold without pulverizing or shredding the documents so that the information contained within cannot be practicably read or reconstructed.

(b) When used in an approved records retention and disposition schedule, the provision that electronic records are to be destroyed means that the data and metadata are to be overwritten, deleted, and unlinked so the data and metadata may not be practicably reconstructed.

(c) When used in an approved records retention and disposition schedule, the provision that confidential records of any format are to be destroyed means the data, metadata, and physical media are to be destroyed in such a manner that the information cannot be read or reconstructed under any means."

All local government agencies should maintain logs of their destructions either in the minutes of their governing board or in their Records Management file. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed.

Public records, including electronic records, not listed in this schedule are not authorized to be destroyed.

Audits and Litigation Actions
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Electronic Records
All local government agencies and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the agency. Agencies agree to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records.

Local government agencies should consider retention requirements and disposition authorities when designing and implementing electronic records management systems. Any type of electronically-created or electronically-stored information falls under the North Carolina General Assembly's definition of public records cited above. For example, e-mail, text messages, blog posts, voicemails, websites, word processing documents, spreadsheets, databases, and PDFs all fall within this definition of public records. In addition, G.S. § 132-6.1(a) specifies:

> "Databases purchased, leased, created, or otherwise acquired by every public agency containing public records shall be designed and maintained in a manner that does not impair or impede the public agency's ability to permit the public inspection and examination of public records and provides a means of obtaining copies of such records. Nothing in this subsection shall be construed to require the retention by the public agency of obsolete hardware or software."

Local government agencies may scan any paper record and retain it electronically for ease of retrieval. If an agency wishes to destroy the original paper records before their assigned retention periods have been met, the agency must establish an electronic records policy, including putting into place procedures for quality assurance and documentation of authorization for records destructions approved by the Government Records Section. This electronic records policy and releases for destruction of records must be approved by the Government Records Section. Agencies should be aware that for the purpose of any audit, litigation, or public records request, they are considered the records custodian obligated to produce requested records, even if said records are being maintained electronically by an outside vendor. Therefore, contracts regarding electronically stored information should be carefully negotiated to specify how records can be exported in case a vendor goes out of business or the agency decides to award the contract to a different vendor.

Reference Copies
All local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods that allow these records to be destroyed when *"reference value ends."* All local government agencies hereby agree that they will establish and enforce internal policies setting minimum retention periods for the records that Natural and Cultural Resources has scheduled with the disposition instruction *"destroy when reference value ends."* If a local government agency does not establish internal policies and retention periods, the local government agency is not complying with the provisions of this retention schedule and is not authorized by the Department of Natural and Cultural Resources to destroy the records with the disposition instruction *"destroy when reference value ends."*

Record Copy
A record copy is defined as "The single copy of a document, often the original, that is designated as the official copy for reference and preservation."[1] The record copy is the one whose retention and disposition is mandated by this schedule; all additional copies are considered reference or access copies and can be destroyed when their usefulness expires. In some cases, postings to social media may be unofficial copies of information that is captured elsewhere as a record copy (e.g., a press release about an upcoming agency event that is copied to various social media platforms). Appropriately retaining record copies and disposing of reference copies requires agencies to

[1] Society of American Archivists, *Dictionary of Archives Terminology*.

designate clearly what position or office is required to maintain an official record for the duration of its designated retention period.

Transitory Records

Transitory records are defined as "record[s] that [have] little or no documentary or evidential value and that need not be set aside for future use."[2]

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Drafts and working papers, including notes and calculations, are materials gathered or created to assist in the creation of another record. All drafts and working papers are public records subject to all provisions of Chapter 132 of the General Statutes, but many of them have minimal value after the final version of the record has been approved, and may be destroyed after final approval, if they are no longer necessary to support the analysis or conclusions of the official record. Drafts and working documents that may be destroyed after final approval include:

- Drafts and working papers for internal and external policies
- Drafts and working papers for internal administrative reports, such as daily and monthly activity reports;
- Drafts and working papers for internal, non-policy-level documents, such as informal workflows and manuals; and
- Drafts and working papers for presentations, workshops, and other explanations of agency policy that is already formally documented.

Forms used solely to create, update, or modify records in an electronic medium may be destroyed in office after completion of data entry and after all verification and quality control procedures, so long as these records are not required for audit or legal purposes. However, if the forms contain any analog components that are necessary to validate the information contained on them (e.g., a signature or notary's seal), they must be retained according to the disposition instructions for the records series encompassing the forms' function.

[2] Ibid.

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It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule supersedes previous versions of this schedule and any localized amendments; it is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Magdalen Bullson
Municipal/County Clerk or Manager
Title: City Clerk

Sarah E. Koonts
Sarah E. Koonts, Director
Division of Archives and Records

APPROVED

D. Reid Wilson
Head of Governing Body
Title: _____

D. Reid Wilson, Secretary
Department of Natural and Cultural Resources

Municipality/County: _____

Effective: October 1, 2021

RESOLUTION NO. 21-248

RESOLUTION AUTHORIZING RECEIPT OF SHUTTERED VENUE OPERATORS (SVO) GRANT FUNDING AND DELEGATE RESPONSIBILITY TO EXECUTE ANY NECESSARY AGREEMENTS RELATED TO SVO GRANT FUNDED TO THE CITY MANAGER

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, on August 24, 2021, City staff initially applied for and were awarded a total of $1,627,336.57 and the City accepted these grant funds pursuant to Resolution No. 21-184 ; and

WHEREAS, the Harrah's Cherokee Center - Asheville was invited to apply for additional funding in the second phase of grant funding and City staff applied for and has been awarded an additional grant with a value of $813,638.00; and

WHEREAS, the City is required to formally accept SVO funds and only utilize those funds for the purposes authorized by the COVID Relief Bill, and applicable regulations, and by state law; and

WHEREAS, the City must comply with all applicable budgeting, accounting, contracting, reporting and other compliance requirements for SVO funds; and

WHEREAS, the City wishes to formally accept this Phase 2 funding of $813,638.00 which together with the previously accepted Phase 1 funding, a total grant award of $2,440,974.57 from the Shuttered Venue Operators (SVO) grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City does hereby accept SVO funding and designates and directs the City Manager to take all actions necessary on behalf of council to receive the SVO funds.

Read, approved, and adopted this 14th day of December, 2021.

Magdalen Bowleson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-249

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH TP HOWARD'S PLUMBING COMPANY, INC. FOR THE 2021 LARGE METER / VAULT REPLACEMENTS PROJECT

WHEREAS, pursuant to N.C.G.S. § 160A-312, the City of Asheville has authority to operate a public enterprise; and

WHEREAS, pursuant to N.C.G.S. § 160A-20.1, the City of Asheville may enter into contracts with private entities to carry out any public purpose the City is authorized to engage in; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as the 2021 Large Meter / Vault Replacements Project; and

WHEREAS, T.P. Howard's Plumbing Company, Inc., was the lowest qualified, responsive bidder for the project, in the amount of $193,000.00; and

WHEREAS, the project includes, but is not limited to, all labor, noted materials, equipment, and incidentals required for the installation of 6 Customer Metering Vaults with related appurtenances and materials required in order to complete the work located along Beaverdam Run Condos, Lucy S Herring Elementary, (2) Woods Townhomes, Holiday Inn Smokey Park, and Day International.

WHEREAS, the bids have been reviewed by the Water Resources Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager, on behalf of the City of Asheville, is hereby authorized to execute a construction agreement with T.P. Howard's Plumbing Company, Inc., for the 2021 Large Meter / Vault Replacements Project for the contract amount of $193,000.00 and further authorizing the City Manager to execute any contract amendments or change orders up to 15% ($28,950.00) for a total contract amount not to exceed $221,950.00.

Read, approved and adopted this 14th day of December, 2021.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 21-250

RESOLUTION AUTHORIZING A LEASE AMENDMENT BETWEEN THE CITY OF ASHEVILLE AND THE GRIND LLC ON CITY-OWNED PROPERTY AT 8 RIVER ARTS PLACE

WHEREAS, N. C. Gen. Stat. 160A-272 authorizes the lease of City owned property for such terms and conditions as the council sees fit, for periods of up to 10 years upon 30 days public notice; and

WHEREAS, public notice describing the property to be leased, stating the amended lease payments was issued on November 12, 2021; and

WHEREAS, the City of Asheville is the owner of real property located on 8 River Arts Place; and

WHEREAS, the City of Asheville extended a new lease to Grind, LLC to lease the structure and deck area for a four year term with one (1) four (4) year renewal; and

WHEREAS, the rental for the leased premises was be $1,500.00 per month with an escalation rate of 2% to be applied at the beginning of each new lease year;

WHEREAS, the City Council directed that the monthly rent for the Grind, LLC for this particular purpose at 8 River Arts Place should be $1.00 per year for the duration of the term;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Amendment between the City of Asheville and The Grind, LLC for property located at 8 River Arts Place, Asheville NC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 14th day of December, 2021.

Magdalen Bowleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

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RESOLUTION NO. 21- 251

RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY OWNED PERSONAL PROPERTY, (2015 FREIGHTLINER KNUCKLEBOOM and 2005 FREIGHTLINER ASPHALT PATCH TRUCK), VALUED AT $30,000 OR MORE

WHEREAS, pursuant to N.C.G.S. §160A-266, disposal of City owned surplus personal property valued at $30,000 or more requires City Council approval; and

WHEREAS, the City owns a surplus 2015 Freightliner Knuckleboom ("Knuckleboom") and 2005 Freightliner Asphalt Patch Truck ("Patch Truck"), with each vehicle having an estimated wholesale value of $30,000+; and

WHEREAS, the Knuckleboom and Patch Truck will be advertised on the GovDeals online auction website at www.govdeals.com on December 15, 2021 with bids due on December 29, 2021 and upon completion of the auction will be awarded to the highest bidder; and

WHEREAS, to authorize the sale of the Knuckleboom and Patch Truck, City Council approval is needed; and

WHEREAS, the proceeds of the sale will be revenue for the General Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The Purchasing Manager is hereby authorized to sell the 2015 Freightliner Knuckleboom and 2005 Freightliner Asphalt Patch Truck

2. The Purchasing Manager is hereby further authorized to execute any and all documents and require any and all other information necessary to effectuate the sale of the 2015 Freightliner Knuckleboom and the 2005 Freightliner Asphalt Patch Truck

Read, approved and adopted this the 14th day of December, 2021.

Magdalen Bullock
City Clerk

E Ann E. Mu
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 21-252

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR THE GOVERNOR'S HIGHWAY SAFETY PROGRAM (GHSP) 2022 BIKESAFE GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the State and to enter into contracts for the administration of said grants; and

WHEREAS, The North Carolina Governor's Highway Safety Program has invited the City of Asheville to apply for funds from the BikeSafe program in the amount of $5,000 for law enforcement travel and training costs; and

WHEREAS, the grant will assist the Asheville Police Department in the promotion of motorcycle rider safety;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to apply for and accept $5,000 in funding for the Governor's Highway Safety Program (GHSP) 2022 BikeSafe Grant and enter into any necessary agreements.

Read, approved and adopted this the 14th day of December, 2021.

Magdalen Bowman
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowman
City Clerk

RESOLUTION NO. 21-253

RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE OFFICE OF JUSTICE PROGRAMS OF THE U. S. DEPARTMENT OF JUSTICE FOR THE 2021 EDWARD BYRNE JUSTICE ASSISTANCE (JAG) GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the City of Asheville receives an annual opportunity to apply for a United States Department of Justice (DOJ), Edward Byrne Justice Assistance Grant; and

WHEREAS, the DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a grant of $76,873, with $60,035 allocated to the APD and $16,838 allocated to the Buncombe County Sheriff's Office (BCSO); and

WHEREAS, the APD will use the funds to pay for overtime for police officers, and the BCSO will use the funds to purchase protective gear such as helmets, goggles and gas masks;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Mayor is hereby authorized to apply, and if awarded, accept and enter into an agreement with the U.S. Department of Justice for an Edward Byrne Justice Assistance Grant in the amount of $76,873, with the expectation that $60,035 will be allocated to the Asheville Police Department, and $16,838 will be distributed to the Buncombe County Sheriff's Office.

Read, approved and adopted this the 14th day of December, 2021.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-254

RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS FROM THE U. S. DEPARTMENT OF JUSTICE FOR THE 2021 BULLETPROOF VEST PARTNERSHIP GRANT

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-17.1 to apply for and receive grants from the Federal Government and to enter into contracts for the administration of said grants; and

WHEREAS, the City of Asheville receives an annual opportunity to apply for a United States Department of Justice (DOJ), Bulletproof Vest Partnership Grant (BVP); and

WHEREAS, the DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a grant of $30,870 which requires a dollar for dollar match by the City; and

WHEREAS, the APD will use the funds to purchase 84 bulletproof vests over the 2 year life of the grant;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to apply for, accept and enter into an agreement with the U.S. Department of Justice for a Bulletproof Vest Partnership Grant in the amount of $30,870.

Read, approved and adopted this the 14th day of December, 2021.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

446

RESOLUTION NO. 21-255

RESOLUTION AUTHORIZING THE PURCHASING DIVISION TO EXECUTE PURCHASE ORDERS FOR THE PURCHASE OF THREE TRANSIT BUSES AND ACCESSORIES

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. §143 -129 for letting of public contracts; and

WHEREAS, N.C.G.S §143 -129 (g) permits a municipal governing board to waive the requirement to request formal bids for procurement contracts; and

WHEREAS, N.C.G.S §143 -129 (g)(3), states that "the governing body of a political division of the State, or the person to whom the authority has been delegated under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment to . . . any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency."; and

WHEREAS, the Transportation Department has identified transit needs that include bus purchases for FY 2022; and

WHEREAS, federal funds would assist in the funding of such needs; and

WHEREAS, the local match is currently budgeted in the Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the Purchasing Division to purchase a total of three (3) new buses for the Asheville Rides Transit System including transit accessories and features totaling $1,649,192. This includes authorization to:

1. Execute purchase orders in the amount of $1,399,192 for the three (3) 30-foot diesel Gillig buses utilizing the existing Washington State Department of Enterprise Cooperative Purchasing Agreement Contract No. 06719 in which the City of Asheville has received approval to participate in the Cooperative Purchasing Agreement;

2. Waive the bidding requirements per NCGS 143-129(g) allowing the City of Asheville to utilize the Washington State Department of Enterprise Cooperative Purchasing Agreement No.06719 to purchase three (3) Gillig diesel buses, assigned by the Washington State Department of Enterprise Services to the City of Asheville; and

3. Execute purchase orders not to exceed $250,000 to purchase transit features and accessories to outfit the necessary equipment on buses in the Asheville Rides Transit System.

4. Adopt a resolution authorizing the City Manager to purchase the fareboxes, bike racks, safety, and security cameras using sole source procurement from GenFare, SportWorks, and SEON for installation in the new buses in Asheville Rides Transit (ART) fleet.

Read, approved, and adopted this 14th day of December 2021.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

448

RESOLUTION NO. 21-256

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY TO ACCEPT FUNDING FOR CODE PURPLE EMERGENCY SHELTER

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A 17.1 to accept grants from other governments; and

WHEREAS, traditional Code Purple emergency shelter options for men are unavailable due to the pandemic; and

WHEREAS, the City of Asheville has executed an agreement with Asheville Buncombe Community Christian Ministry, Inc. to provide Code Purple emergency shelter for men at an alternate location for the 2021-2022 winter season; and

WHEREAS, the City of Asheville and Buncombe County mutually agree to share in costs associated with Code Purple emergency shelter for a total amount of $80,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to enter into an agreement with Buncombe County to accept funding for Code Purple emergency shelter in the amount of $40,000.

Read, approved and adopted this the 14th day of December, 2021.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-257

RESOLUTION TO AUTHORIZE CHANGE ORDERS TO THE CITY MANAGER'S EXECUTION OF AN AGREEMENT WITH ASHEVILLE BUNCOMBE COMMUNITY CHRISTIAN MINISTRY, INC. TO PROVIDE CODE PURPLE EMERGENCY SHELTER

WHEREAS, the City of Asheville has authority pursuant to N.C.G.S. 160A-20.1 to contract with and appropriate money to any organization in order to carry out a public purpose; and

WHEREAS, people experiencing homelessness are particularly vulnerable to both COVID-19 complications and exposure to the elements; and

WHEREAS, traditional Code Purple emergency shelter options for men are unavailable due to the pandemic; and

WHEREAS, the City of Asheville has executed an agreement with Asheville Buncombe Community Christian Ministry, Inc. to provide Code Purple emergency shelter for men at an alternate location for the 2021-2022 winter season in the amount of $20,000 and wishes to amend the contract to $100,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

City Council hereby authorizes the City Manager to execute change orders to an agreement with Asheville Buncombe Community Christian Ministry, Inc. to provide Code Purple emergency shelter.

Read, approved and adopted this the 14th day of December, 2021.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

450

RESOLUTION NO. 21-258

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH EPIC RECRUITING

WHEREAS, the Asheville Police Department ("APD") currently has 60 vacancies of 238 sworn officer positions; and

WHEREAS, typical recruiting efforts include attending career events and conducting informational sessions at job fairs and colleges/universities in the region, but due to the COVID-19 pandemic, in-person recruitment events were canceled or limited due to health precautions and the department has experienced an unprecedented number of resignations over the last sixteen months; and

WHEREAS, a proven strategy and marketing plan must be developed to attract diverse applicants from a larger audience; and

WHEREAS, a contract with an experienced police recruiting consultant will assist the APD in reaching exceptional applicants through a nationwide online recruiting campaign; and

WHEREAS, after conducting a comprehensive process to locate a qualified consultant, the APD has determined that EPIC Recruiting is best suited to provide these necessary services to the CIty;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with EPIC Recruiting in the amount of $225,000 to create a recruiting strategy, recruitment media, and a recruitment website to support a 12 month recruiting campaign.

Read, approved and adopted this 14th day of December, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-259

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT RENEWALS FOR ANNUAL PAYMENTS TO BUNCOMBE COUNTY FOR THE CRIMINAL JUSTICE INFORMATION SYSTEM/CENTRALIZED DATA ENTRY AND BUNCOMBE COUNTY IDENTIFICATION BUREAU PROGRAMS

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. § 132-461 to enter into contracts or agreements with other units of local government in order to execute any undertaking ; and

WHEREAS, the City of Asheville and Buncombe County have long standing interlocal agreements regarding the provision of certain joint public safety-related services; and

WHEREAS, the Criminal Justice Information System/Centralized Data Entry information system and the Identification (ID) Bureau are both operated as County services; and

WHEREAS, based upon the orginal interlocal agreements, the City pays 45% of the cost of the Criminal Justice Information System/Centralized Data Entry, and 50% of the cost of the County Identification (ID) Bureau programs; and

WHEREAS, each year during the annual budget process the County provides the City with estimates for the City's share of each program's cost; and

WHEREAS, for fiscal year 2021-22, the County estimates that the City's share of the CJIS/CDE costs will be $990,419 and the City's share of the ID Bureau will be $516,743; and

WHEREAS, the requested contract renewal will allow staff to encumber those amounts in the City's financial system;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute 1) a contract renewal in the amount of $990,419 for the annual payment to Buncombe County for the Criminal Justice Information System/Centralized Data Entry (CJIS/CDE), and 2) a contract renewal in the amount of $516,743 for the annual payments to Buncombe County for the County Identification (ID) Bureau interlocal agreement programs.

Read, approved and adopted this 14th day of December, 2021.

Magdalen Burleson
City Clerk

Esther G. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-260

RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN A WATER MAIN EASEMENTS OVER REAL PROPERTY LOCATED ON THE CITY'S PATTON AVENUE CORRIDOR.

WHEREAS, pursuant to N.C.G.S. § 40A-3, the City of Asheville has authority to obtain interests in real property through the exercise of eminent domain; and

WHEREAS, the City plans to replace a water main running along Patton Avenue; and

WHEREAS, the City's planned water main replacement project requires that it obtain waterline easements across the following properties (described by PIN):

9638-48-1248-00000
9638-07-4677-00000
9638-38-4560-00000
9638-38-0050-00000
9638-38-2013-00000
9638-38-9300-00000
9628-86-3634-00000
9638-07-6639-00000
9638-07-6556-00000

WHEREAS, all property owners were provided with offers of financial compensation for the needed easements, based on appraisals obtained from a North Carolina licensed appraiser; and

WHEREAS, this project will replace an existing 16-inch waterline with a new 24-inch transmission line, which was identified as a need inorder to provide more transmision main redundancy and increase Water Resources' capacity to the western portion of the water system; and

WHEREAS, the existing waterlines along this section of Patton Ave are undersized for potential future growth along the corridor and for providing service to the western portion of the water system;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Attorney, on behalf of the City of Asheville, is hereby authorized to condemn waterline easements over the real property parcels specified by PIN herein.

Read, approved, and adopted this 14th day of December, 2021.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 21-261

RESOLUTION ADOPTING THE HENDERSONVILLE ROAD CORRIDOR STUDY AS AN AMENDMENT TO THE ASHEVILLE IN MOTION MOBILITY PLAN

WHEREAS, the City of Asheville works with the French Broad River Metropolitan Planning Organization (FBRMPO) in partnership to conduct multi-modal transportation planning; and

WHEREAS, the City worked with the FBRMPO to conduct a corridor study for Hendersonville Road from Rockhill Road to Airport Road; and

WHEREAS, the Hendersonville Road Corridor Study presents a range of recommendations to improve transportation options for all users; and

WHEREAS, the recommendations in the study advance the City goals in the areas of Transportation and Accessibility and a Well Planned and Livable Community; and

WHEREAS, the Asheville in Motion Mobility Plan was adopted by the Council in 2016 and represents a multimodal transportation vision for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City adopts the Hendersonville Road Corridor Study as an amendment to the Asheville In Motion Mobility Plan of the City of Asheville with the addition of ADA compliance as an identified need.

Read, approved and adopted this the 14th day of December, 2021.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-262

RESOLUTION ADOPTING THE TUNNEL ROAD CORRIDOR STUDY AS AN AMENDMENT TO THE ASHEVILLE IN MOTION MOBILITY PLAN

WHEREAS, the City of Asheville works with the French Broad River Metropolitan Planning Organization (FBRMPO) in partnership to conduct multi-modal transportation planning; and

WHEREAS, the City worked with the FBRMPO to conduct a corridor study for Tunnel Road from Beaucatcher Tunnel to Swannanoa River Road; and

WHEREAS, the Tunnel Road Corridor Study presents a range of recommendations to improve transportation options for all users; and

WHEREAS, the recommendations in the study advance the City goals in the areas of Transportation and Accessibility and a Well Planned and Livable Community; and

WHEREAS, the Asheville in Motion Mobility Plan was adopted by the Council in 2016 and represents a multimodal transportation vision for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City adopts the Tunnel Road Corridor Study as an amendment to the Asheville In Motion Mobility Plan of the City of Asheville with the addition of ADA compliance as an identified need.

Read, approved and adopted this the 14th day of December, 2021.

Magdalen Bowlesson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 21-263

RESOLUTION ADOPTING THE BILTMORE AVE. AND MCDOWELL ST. CORRIDOR STUDY AS AN AMENDMENT TO THE ASHEVILLE IN MOTION MOBILITY PLAN

WHEREAS, the City of Asheville works with the French Broad River Metropolitan Planning Organization (FBRMPO) in partnership to conduct multi-modal transportation planning; and

WHEREAS, the City worked with the FBRMPO to conduct a corridor study for Biltmore Ave. and McDowell St. from Hilliard Ave. to All Souls Crescent; and

WHEREAS, the Biltmore Ave. and McDowell St. Corridor Study presents a range of recommendations to improve transportation options for all users; and

WHEREAS, the recommendations in the study advance the City goals in the areas of Transportation and Accessibility and a Well Planned and Livable Community; and

WHEREAS, the Asheville in Motion Mobility Plan was adopted by the Council in 2016 and represents a multimodal transportation vision for the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City adopts the Biltmore Avenue/McDowell Street Corridor Study as an amendment to the Asheville In Motion Mobility Plan of the City of Asheville with the addition of ADA compliance as an identified need.

Read, approved and adopted this the 14th day of December, 2021.

Magdalen Bowlson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-264

RESOLUTION RATIFYING THE CITY MANAGER'S ASSIGNMENT OF THE REAL ESTATE CONTRACTS FOR 148 AND 150 RIVER FORD PARKWAY TO SHANGRI-LA INDUSTRIES, INC. FOR THE PURPOSE OF CREATING PERMANENT SUPPORTIVE HOUSING

WHEREAS, the City previously entered into contracts to purchase 148 and 150 River Ford Parkway for the purpose of creating emergency shelter; and

WHEREAS, the City is no longer pursuing the establishment of an emergency shelter at that location; and

WHEREAS, Shangri-La Industries, Inc. has expressed willingness to assume the contract and purchase the property for the purpose of creating permanent supportive housing and has further agreed to execute a 50 year deed restriction for this purpose; and

WHEREAS, the City of Asheville has deposited $50,000 in earnest money and those funds will be returned to the City upon assignment of the contract; and

WHEREAS, the City of Asheville has paid $60,000 in non-refundable fees for the properties and these funds will be applied to the purchase price; and

WHEREAS, the City of Asheville has paid $44,500 in due diligence expenses; and

WHEREAS, if the closing is successful, the City will be credited these funds back by Shangri-La Industries, Inc. for a total amount of $104,500; and

WHEREAS, additional permanent supportive housing is a critical need in our community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville hereby ratifies the City Manager's assignment of the real estate contracts for 148 and 150 River Ford Parkway to Shangri-La Industries, Inc. for the purpose of creating permanent supportive housing.

Read, approved and adopted the 14th day of December, 2021.

Magdalen Bowlson
City Clerk

Esther E Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlson
City Clerk

RESOLUTION NO. 21-265

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FUNDING AGREEMENT WITH STEP UP ON SECOND STREET, INC. IN THE AMOUNT OF $1.5M FOR THE PROVISION OF SUPPORTIVE SERVICES FOR FUTURE RESIDENTS OF PERMANENT SUPPORTIVE HOUSING AT 148-150 RIVER FORD PARKWAY

WHEREAS, pursuant to NCGS 160D-1311, the City is authorized to expend funds for community development programs and activities; and

WHEREAS, additional permanent supportive housing is a critical need in our community; and

WHEREAS, Shangri-La Industries, Inc. owns and operates permanent supportive housing developments in partnership with Step Up on Second Street, Inc.; and

WHEREAS, Shangri-La Industries, Inc. and Step Up on Second Street, Inc. seek to create new permanent supportive housing units at 148-150 River Ford Parkway; and

WHEREAS, the City intends to utilize American Rescue Plan Act (ARPA) funding for in the amount of $500,000 and intends to allocate $1M in other funds;and

WHEREAS, supportive services are essential in successful implementation of permanent supportive housing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville hereby authorizes the City Manager to execute a funding agreement with Step Up on Second Street, Inc. in the total amount of $1.5M with $500,000 from American Rescue Plan Act (ARPA) and $1M to be identified from another source(s) for the provision of supportive services for future residents of permanent supportive housing at 148-150 River Ford Parkway.

Read, approved and adopted the 14th day of December, 2021.

Magdalen Bourleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 21-266

RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND CONTRACTS WITH FIVE P MOUNTAIN, LLC AND SUNRISE COMMUNITY FOR RECOVERY AND WELLNESS, INC. TO CONTINUE SHELTER PROVISION THROUGH MARCH 31, 2022

WHEREAS, pursuant to NCGS 160D-1311, the City is authorized to expend funds for community development programs and activities; and

WHEREAS, on April 19, 2021 the City entered into contracts with Five P Mountain, LLC and Sunrise Community for Recovery and Wellness, Inc. for the provision of temporary emergency shelter; and

WHEREAS, all parties desire to amend contracts to add funds allowing shelter continuation during a wind-down period concluding March 31, 2022; and

WHEREAS, in the absence of shelter continuation, current shelter participants would be likely to return to unsheltered homelessness; and

WHEREAS, Sunrise Community for Recovery and Wellness, Inc. will work with partners to secure positive exit destinations for current shelter participants by March 31, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council of the City of Asheville hereby authorizes the City Manager to execute contract amendments with Five P Mountain, LLC in the amount of $366,000 for room nights, and Sunrise Community for Recovery and Wellness, Inc. in the amount of $190,000 for supportive services to continue shelter provision through March 31, 2022.

Read, approved and adopted the 14th day of December, 2021.

Magdalen Burleson
City Clerk

Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 22-1

RESOLUTION AUTHORIZING CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION TO PREPARE A TRANSPORTATION AND LAND USE NETWORKS STUDY FOR EAST PATTON AVENUE IN RELATION TO THE I-26 INTERSTATE CONNECTOR PROJECT

WHEREAS, the City has the authority pursuant to N.C.S.G. 160A-17 to apply for and receive grants from the Federal Government and to enter into contracts with said grants; and

WHEREAS, the French Broad River Metropolitan Planning Organization is a consistent partner for funding regional improvements to the City of Asheville's transportation network; and

WHEREAS, the City of Asheville's Comprehensive Plan states that the City should " Leverage the I-26 Connector project as a means to construct multimodal transportation and placemaking improvements, such as sidewalks, bike lanes, greenways, public spaces and opportunities for transit, enhance connectivity to existing residential neighborhoods and mixed-use centers, and alleviate regional vehicular traffic within city limits; and to explore opportunities to repurpose underutilized rights-of-way within the I-26 and Patton Avenue footprint for urban redevelopment consistent with city and community goals; and

WHEREAS, the City must comply with all applicable budgeting, accounting, contracting, reporting and other compliance requirements for FBRMPO funds;

WHEREAS, the City wishes to NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City does hereby authorize the City Manager to submit a grant application to the French Broad River Metropolitan Planning Organization (FBRMPO) in the amount of $350,000; and if awarded, to take all actions necessary to accept the fund and execute the necessary agreements.

Read, approved, and adopted this 11th day of January, 2022.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowleson
City Clerk

460

RESOLUTION NO. 22-2

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HARPER CORP. GENERAL CONTRACTORS FOR THE DR. WESLEY GRANT SR. CENTER EXPANSION PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the Dr. Wesley Grant Sr Center Gymnasium Expansion and Pool addition; and

WHEREAS, Harper Corp. General Contractors of Asheville, NC was the lowest responsive, responsible bidder for the project; and

WHEREAS, Harper Corp. General Contractors shall provide all labor, materials, and equipment for the Dr. Wesley Grant Sr. Center Expansion project; and

WHEREAS, the amount of the bid is $6,734,000.00, and funding for the project is allocated within the Capital Improvement Program Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a contract with Harper Corp. General Contractors, in the amount of $6,734,000.00, for the Dr. Wesley Grant Sr. Center Expansion project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 15% ($1,017,803.00).

Read, approved and adopted this the 11th day of January, 2022.

Magdalen Bowlesson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bowlesson
City Clerk

RESOLUTION NO. 22-3

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY AT 29 OAK HILL DRIVE FOR CONSTRUCTION OF A SEWER SERVICE LINE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property at 29 Oak Hill Road , identified as PIN # 9629-90-2093 (the "Property"); and

WHEREAS, the property owner of an adjacent parcel has requested an easement through the city property of approximately 150 square feet whose fair market value has been determined to be $345.00 and the property owner has agreed to pay that amount to the City of Asheville; and

WHEREAS, the City's Community and Economic Development Department was consulted and has no objections to the connection based upon its location, minimal impact to the Property, and because the easement can be moved at a later time should it become necessary as a result of city development plans;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent sewer easement over a portion of property whose entrance is at 29 Oak Hill Drive. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 11th of January, 2022.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

462

RESOLUTION NO. 22-4

RESOLUTION AUTHORIZING A SOLE SOURCE JUSTIFICATION PURCHASE OF EQUIPMENT AND SERVICES FROM CAROLINA RECORDING SYSTEMS, LLC AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE SAME FOR EVENTIDE 911 AUDIO LOGGING INTEGRATION.

WHEREAS, the City of Asheville has authority pursuant to N.C. Gen. Stat. sec 160A-20 to enter into contracts with private entities to perform any authorized functions; and

WHEREAS, N.C.G.S. 143-123(e) sets forth exceptions to the requirements of the subject general statute when a needed product is available from a sole source of supply; and

WHEREAS, N.C.G.S. 143-123(e)(6)(iii) sets forth exceptions to the requirements of the subject general statute when a needed product is for standardization or compatibility is the overriding consideration; and

WHEREAS, Resolution No. 21-241 was approved, which authorizes the City and the County to enter into an agreement to consolidate 9-1-1 Services; and

WHEREAS, the City will contract with Carolina Recording Systems, LLC to purchase Eventide Software Licenses to integrate the City's 9-1-1 audio logging system with Buncombe County's 9-1-1 system;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

A sole source / standardization justification for the purchase of services and materials is approved and the City Manager is hereby authorized to enter into a contract with Carolina Recording Systems, LLC for Eventide audio logging integration costing $92,140.00 based on standardization to merge with the County.

Read, approved and adopted this the 11th day of January, 2022.

Magdalen Bullock
City Clerk

Esther E. Manheimer
Mayor

Approved as to form:

City Attorney

Magdalen Bullock
City Clerk

RESOLUTION NO. 22-5

RESOLUTION APPROVING AMENDMENTS TO DONATIONS AGREEMENTS WITH THE ASHEVILLE CITY SCHOOLS FOUNDATION

WHEREAS, on June 10, 2020, the Buncombe County Superior Court approved the settlement of a class action lawsuit regarding certain water service fees entitled Mayfair Partners, LLC v. City of Asheville; and

WHEREAS, a condition of the the settlement required that any unclaimed portion of the settlement proceeds would be donated to a charity or charities to be selected by the Asheville City Council and approved by the plaintiffs in the action: and

WHEREAS, on October 27, 2020, in closed session, the City Council selected the Asheville City Schools Foundation ("ACSF") as one of the recipients of the donations; and

WHEREAS, on April 13, 2021, the City Council approved a resolution to donate the amount of $474,592.56 in unclaimed funds to ACSF; and

WHEREAS, following the initial donation, additional residual funds in the amount of $2,875.50 remained unclaimed from the settlement of the lawsuit and were also donated to ACSF pursuant to the terms of the approved settlement; and

WHEREAS, Subsequent to these donations, a lawsuit was filed by WNC Citizens for Equality, Inc. against the City of Asheville and others, and the City Council wishes to resolve this matter by amending the Donation Agreements with ACSF; and

WHEREAS, the Donations Agreements regarding the two donations to ACSF described herein above shall be amended as follows:

Paragraph 1 shall be amended to replace the second and third sentences of Paragraph 1 with the following sentences: "The first is for a scholarship to be awarded in perpetuity to high school students within Asheville City Schools, based on the following criteria: In addition to the criteria set forth for all ACSF scholarships, the scholarship will give preference to applicants whose household members, including parents and/or guardians have a high school education or less, these applicants representing "first generation" college students. Additionally preference will be given to applicants who are committed to pursuing a career in education. The second is for a scholarship fund for educators and staff of Asheville City Schools who are pursuing their next level of education and/or certification, with a preference for applicants who are or were "first generation" college students."

Paragraph 10 in each agreement shall be amended to add the following text: "ACSF shall be prohibited from discriminating based on any of the following characteristics of any applicant for award of the scholarships that are the subject of this Donation Agreement, whether the scholarship be for students of Asheville High School or employees of Asheville City Schools: race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familiar status, pregnancy, veteran status, religious belief or non-belief, age or disability."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby approved the aforementioned amendments to the Donation Agreements with ACSF consistent with the language provided in this Resolution, and further directs the City Attorney to execute any and all documentation to effectuate the settlement and final resolution of the lawsuit filed against the City by WNC Citizens for Equality, Inc. consistent with the terms contained herein.

Read, approved and adopted this 11th day of January, 2022.

Magdalen Bullion
CITY CLERK

Esther E. Manheimer
MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

Magdalen Bullion
City Clerk

RESOLUTION NO. 22-6

RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

WHEREAS, Amber Banks has resigned as a member on the Affordable Housing Advisory Committee, thus leaving an expired until September 1, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

David Bartholomew is hereby appointed as a member of the Affordable Housing Advisory Committee, to serve the unexpired term of Ms. Banks, term to expire September 1, 2022, or until David Bartholomew's successor has been appointed.

Read, approved and adopted this 11th day of January, 2022.

Magdalen Bulleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

466

RESOLUTION NO. 22-7

RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

WHEREAS, Mitchell Eaton has resigned as a member of the Civic Center Commission, thus leaving an expired until June 30, 2024;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

John Pierce is hereby appointed as a member of the Civic Center Commission, to serve the unexpired term of Mitchell Eaton, term to expire June 30, 2024, or until John Pierce's successor has been appointed.

Read, approved and adopted this 11th day of January, 2022.

Magdalen Bulleson
CITY CLERK

Eaton G Mc
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bulleson
City Clerk

RESOLUTION NO. 22-8

RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

WHEREAS, the terms of Robin Raines, Franzi Charen, Dane Barrager and Guillermo Rodriguez, as members on the Downtown Commission, expired on December 31, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Tal Frankfurt be hereby appointed as a member of the Downtown Commission, to serve a three-year term, term to expire December 31, 2024, or until Tal Frankfurt's successor has been appointed.

Ricardo Seijo hereby appointed as a member of the Downtown Commission, to serve a three-year term, term to expire December 31, 2024, or until Ricardo Seijo's successor has been appointed.

Robin Raines be hereby reappointed as a member of the Downtown Commission, to serve a three-year term, term to expire December 31, 2024, or until Robin Raines' successor has been appointed.

Guillermo Rorriguez be hereby reappointed as a member of the Downtown Commission, to serve a three-year term, term to expire December 31, 2024, or until Guillermo Rodriguez' successor has been appointed.

Read, approved and adopted this 11th day of January, 2022.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowleson
City Clerk

RESOLUTION NO. 22-9

RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, the term of Robert Carroll, Alternate member of the Board of Adjustment, expires on January 21, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Michael Luciano is hereby appointed as an Alternate member to the Board of Adjustment, to serve a three-year term, term to expire January 21, 2025, or until Michael Luciano's successor has been appointed.

Read, approved and adopted this 11th day of January, 2022.

Magdalen Bradley
CITY CLERK

Esther E. Manheimer
MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bradley
City Clerk

RESOLUTION NO. 22-10

RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

WHEREAS, the term of Chris Pelly, as a member on the Metropolitan Sewerage District Board of Directors, expires on January 19, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Derek Weekley is hereby appointed to serve a three-year term on the Metropolitan Sewerage District Board of Directors, term to January 19, 2025, or until Derek Weekley's successor has been appointed.

Read, approved and adopted this 11th day of January, 2022.

Magdalen Bowerson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowerson
City Clerk

RESOLUTION NO. 22-11

RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

WHEREAS, the term of Jane Mathews, as a member of the Asheville Area Riverfront Redevelopment Commission, expired on January 1, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Kathryn Ancaya is hereby appointed as a member of the Asheville Area Riverfront Redevelopment Commission, to serve a three-year term, term to expire January 1, 2025, or until Kathryn Ancaya's successor has been appointed.

Read, approved and adopted this 11th day of January, 2022.

Magdalen Bullock
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bullock
City Clerk

RESOLUTION NO. 22-12

RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

WHEREAS, the terms of Anna Priest, Keith McDade and Chris Peline, as members on the Sustainability Advisory Committee on Energy & the Environment, expired on December 31, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Anna Priest be hereby reappointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve an additional three-year term, term expire December 31, 2024, or until Anna Priest's successor has been appointed.

Chris Pelrine be hereby reappointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve an additional three-year term, term to expire December 31, 2024, or until Chris Pelrine's successor has been appointed.

Michael Totten hereby appointed as a member of the Sustainability Advisory Committee on Energy & the Environment, to serve a three-year term, term to expire December 31, 2024, or until Michael Totten's successor has been appointed.

Read, approved and adopted this 11th day of January, 2022.

Magdalen Bourleson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 22-13

RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION

WHEREAS, the terms of Stephen Hendricks and Amy Smith, as members on the Urban Forestry Commission, expired on December 31, 2021;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Amy Smith be hereby reappointed as a member of the Urban Forestry Commission, to serve an additional three-year term, term to expire December 31, 2024, or until Amy Smith's successor has been appointed.

Zoe Hoyle be hereby appointed as a member of the Urban Forestry Commission, to serve a three-year term, term to expire December 31, 2024, or until Zoe Hoyle's successor has been appointed.

Read, approved and adopted this 11th day of January, 2022.

Magdalen Bowlson
CITY CLERK

MAYOR

Approved as to form:

CITY ATTORNEY

Magdalen Bowlson
City Clerk

Department of Natural and Cultural Resources
Division of Archives and Records
Collections Services Section

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CITY OF ASHEVILLE, CITY COUNCIL, RESOLUTIONS MINUTES

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